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LEGISLATIVE HISTORY

Public Law 473--78th Congress

Chapter 548--2d Session

H. R. 5386

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## DIGEST OF PUBLIC LAW 473

SELECTIVE TRAINING AND SERVICE. Changes from 40 to 90 days the period in which a veteran may make application for the job which he held at the time of his induction; and provides that if hospitalized for not more than one year following his discharge, the 90-day time shall not begin until the termination of the hospitalization.

## INDEX AND SUMMARY OF HISTORY ON H. R. 5386

September 18, 1944	H. R. 5378 was introduced by Rep. May and was referred to the House Committee on Military Affairs. Print of the bill as introduced.
	H. R. 5386 was introduced by Rep. McCormack and was considered by the House and passed. Print of the bill as passed by the House.
September 19, 1944	H. R. 5386 was referred to the Senate Committee on Military Affairs. Print of the bill as referred.
November 24, 1944	Hearings. Senate, H. R. 5386.
November 27, 1944	Senate Committee reported H. R. 5386 with amendments. Senate Report 1196. Print of the bill as reported.
November 29, 1944	Debated and passed the Senate as reported.
November 30, 1944	House concurred in the Senate amendments.
December 8, 1944	Approved. Public Law 473.



H. R. 5372

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# H. R. 5378

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## IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 18, 1944

Mr. MAY introduced the following bill; which was referred to the Committee on Military Affairs

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## A BILL

To amend the Selective Training and Service Act of 1940, as amended, to extend the time within which application may be made for reemployment, and for other purposes.

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2       *tives of the United States of America in Congress assembled,*  
3       That section 8 (b) of the Selective Training and Service  
4       Act of 1940, Public Law 783, Seventy-sixth Congress, ap-  
5       proved September 16, 1940 (50 U. S. C. 308), as amended,  
6       be further amended by striking out the word "forty" there-  
7       from and substituting the word "ninety" therefor, and by  
8       adding after the words "relieved from such training and  
9       service" the following: "or from hospitalization continuing  
10      after discharge for a period of not more than one year".

78TH CONGRESS  
2d Session

H. R. 5378

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By Mr. May

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SEPTEMBER 18, 1944

Referred to the Committee on Military Affairs

# H. R. 5386

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## IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 18, 1944

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78<sup>TH</sup> CONGRESS  
2<sup>D</sup> Session

**H. R. 5386**

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## **A BILL**

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By Mr. McCONNACK

SEPTEMBER 18, 1944

Considered and passed



and Reserve Act of 1941, as amended, so as to permit service of members of the Women's Reserve in the American area, the Territories of Hawaii and Alaska, and for other purposes, and ask for its immediate consideration.

The Clerk read the title of the bill.

The **SPEAKER**. Is there objection to the request of the gentleman from Washington?

The **SPEAKER**. The gentleman from Illinois reserves the right to object. The gentleman from Washington might explain the bill.

Mr. **CHURCH**. Mr. Speaker, I have no objection.

Mr. **BRADLEY** of Pennsylvania. Mr. Speaker, reserving the right to object, I understand from the gentleman's explanation there is nothing in the bill which would permit service in the European theater or territories?

Mr. **MAGNUSON**. If the gentleman will allow me I will explain the bill.

Mr. Speaker, the Senate bill provides that women in the Naval Reserve and Marine Corps and the SPARS are not to be assigned to duty outside of the continental United States or in Hawaii except upon their prior request.

It allows them only to be assigned to duty outside the American area; that is the Western Hemisphere, in the Territories of Hawaii and Alaska, and only upon their request.

Mr. **BATES** of Massachusetts. Will the gentleman yield?

Mr. **MAGNUSON**. I yield.

Mr. **BATES** of Massachusetts. In other words, it is voluntary action on the part of members of the WAVES. There is nothing compulsory about the bill.

Mr. **MAGNUSON**. No; I may say that the gentlewoman from Maine [Mrs. **SMITH**], who has been very diligent and zealous in this matter, introduced a bill in the House. In the meantime, the matter was amended in the Senate to take care of some objections of WAVES or SPARS or Marine Corps women serving in the actual combat areas, and the Senate passed the bill unanimously. We are substituting that bill. It provides that they shall only serve in the Western Hemisphere and only upon their request.

Mr. **COLE** of New York. Will the gentleman yield?

Mr. **MAGNUSON**. I yield to the gentleman from New York.

Mr. **COLE** of New York. The gentleman mentioned the possibility that the WAVES might serve in Alaska and Hawaii. Does the bill exclude their service in the Panama Canal Zone or in any of our Caribbean possessions, or does it permit them?

Mr. **MAGNUSON**. I yield to the gentlewoman from Maine [Mrs. **SMITH**]. I am sure she can explain the geographical limitations.

Mrs. **SMITH** of Maine. Mr. Speaker, this provides for service in what is known as the Western Hemisphere, Alaska, and Hawaii, only upon voluntary action; the voluntary provisions for girls in the service and for future service.

I ask unanimous consent to revise and extend my remarks at this point in the Record.

The **SPEAKER**. Without objection, it is so ordered.

There was no objection.

Mrs. **SMITH** of Maine. Mr. Speaker, S. 2028 was passed by the Senate and permits the women reserves of the Navy, Marines, and Coast Guard to serve in the American area, Hawaii, and Alaska. My bill, H. R. 5067, did not contain such limitations but permitted service anywhere except on board ships and in combat areas, after billets in Washington were filled.

As you know, twice before the House has passed legislation to permit these women to serve overseas. Each time the proposal has died in the Senate Naval Affairs Committee. A compromise has been worked out between the Senate and House Naval Affairs Committees at the request of the Secretary of the Navy to meet the present needs. The bill passed by the Senate last week and now before the House makes service outside of continental United States strictly voluntary. This applies to future enlistments as well as to those women now in naval services.

As a member of the House Naval Affairs Committee, I have visited training stations and naval establishments and watched the women of the Naval Reserve, the Marines, and the Coast Guard perform their duties. They are efficient and effective, dependable and devoted to duty.

*Data on women in naval services*

	WAVES	MARINES	SPARS
Stationed in Washington, D. C., area:			
Officers.....	2,777	120	125
Enlisted women.....	13,658	2,126	752
Stationed outside Washington, D. C., area:			
Officers.....	5,574	442	621
Enlisted women.....	50,235	13,359	6,063
In training.....	14,530	11,747	1,573
Total.....	76,744	17,994	9,134

<sup>1</sup> Includes inactive.

Initially the Navy quota called for 100,000 WAVES, 1,000 a week by January 1945. This has been cut back to 75,000 as to November 31, 1944. This cut-back is temporary and occasioned by the return of disabled servicemen who wish to be retained in the service and are filling billets in limited service.

Although the quota for the MARINES was 19,000—1,000 officers and 18,000 enlisted women—it was found that this number was not needed now and recruiting stopped in June 1944, when 17,994 were in the service.

The quota for the SPARS is 11,000, 1,000 officers and 10,000 enlisted women. It is anticipated that the quota for the SPARS will be reached by the SPARS' second birthday, November 23, 1944. After that date recruiting will be directed toward replacement and the special need of the Coast Guard.

There has been a sustained and spontaneous response on the part of the women of America to the recruiting program of the Navy. Fortunately recruiting of women for naval services has not fallen off, but rather has increased in

the past 2 months. All quotas have been met.

This bill is in direct response to the urgent request of Admiral Nimitz for several thousand WAVES in Hawaii. The Navy has practically completed its combat work in the European area. The remaining job is to keep up the supply lines. The future work of the Navy is in the Pacific, as the Japanese war will be predominantly a naval war. Consequently, the most important task of this work is in the immediate future. This staff will require every bit of trained manpower that the Navy can muster under Admiral Nimitz, the commander of the Pacific Fleet. The war is not over and the end is not in sight.

Mr. **MAGNUSON**. The question was whether or not this would allow these women to serve in the Panama Canal Zone. I do not have the bill before me.

Mr. **MAAS**. Mr. Speaker, will the gentleman yield?

Mr. **MAGNUSON**. I yield to the gentleman from Minnesota.

Mr. **MAAS**. The bill provides that they may serve anywhere within what is known as the American defense area, which is even less than the Western Hemisphere. It would permit service in Panama and in the Caribbean area. It specifically includes Hawaii and Alaska, and any service outside of the continental United States must be upon the woman's own application.

Mr. **BRADLEY** of Pennsylvania. Reserving the right to object, does that refer to future enlistments also?

Mr. **MAAS**. It refers to future enlistments as well. It will be all voluntary, outside of the country itself.

Mr. **BLAND**. Will the gentleman yield?

Mr. **MAGNUSON**. I yield.

Mr. **BLAND**. It includes the SPARS, as I understand?

Mr. **MAGNUSON**. It includes the Women's Auxiliary of the SPARS.

The **SPEAKER**. Is there objection to the request of the gentleman from Washington [Mr. **MAGNUSON**]?

Mr. **BRADLEY** of Pennsylvania. Mr. Speaker, reserving the right to object, I presume there will be debate on the bill if the request is granted?

The **SPEAKER**. The Chair was intending to say, "Without objection the Senate bill is ordered to be read the third time, and passed, and a motion to reconsider laid on the table."

Mr. **BRADLEY** of Pennsylvania. Mr. Speaker, reserving the right to object, I do not want to object, but there are some Members, including myself, who have some very definite ideas on this subject. I want to say for the Record, as far as I am concerned, while I do not wish to object to the bill in view of the recommendation of the Secretary of the Navy, the Navy Department has never at any time given to the Committee on Naval Affairs of the House of Representatives any information with respect to figures as to the service of men in the Naval Establishment in continental United States that would justify their making this recommendation. I think that



should be shown in the RECORD and I want it shown.

Mr. SHORT. Mr. Speaker, reserving the right to object, the remarks I have heard from different Members concerning this bill convinces me that no Member here knows anything about it. Therefore, I object.

Mr. MAAS. Mr. Speaker, will the gentleman withhold that?

Mr. SHORT. I object, Mr. Speaker.

The SPEAKER. Objection is heard.

#### RESIGNATION FROM THE HOUSE OF REPRESENTATIVES

The SPEAKER laid before the House the following communication:

SEPTEMBER 15, 1944.

HON. SAM RAYBURN,

*Speaker of the House of Representatives.*

SIR: I beg leave to inform you that I have this day transmitted to the Governor of Virginia my resignation as a Representative in the Congress of the United States from the Second District of Virginia, effective as of today.

Respectfully yours,

WINDER R. HARRIS.

#### BOARD OF VISITORS, UNITED STATES MERCHANT MARINE ACADEMY

The SPEAKER laid before the House the following communication, which was read by the Clerk:

SEPTEMBER 14, 1944.

The SPEAKER,

*House of Representatives,*

*Washington, D. C.*

DEAR MR. SPEAKER: I have been advised by Congressman WELCH that he will be unable to attend the meeting of the Board of Visitors to the United States Merchant Marine Academy at Kingspoint, N. Y., on September 23, 29, and 30, and that he has so advised you.

I am, therefore, appointing Congressman DANIEL ELLISON, of Maryland, to fill the vacancy occasioned by the resignation of Mr. WELCH.

Yours very sincerely,

S. O. BLAND, *Chairman.*

#### EXPATRIATION FOR EVASION OF MILITARY SERVICE

The SPEAKER. The Chair recognizes the gentleman from Michigan [Mr. LESINSKI].

Mr. LESINSKI. Mr. Speaker, I ask unanimous consent to take from the Speaker's table Senate Concurrent Resolution 51 for immediate consideration.

The Clerk read as follows:

*Resolved by the Senate (the House of Representatives concurring), That the Clerk of the House of Representatives, in the enrollment of the bill (H. R. 4257) to expatriate or exclude certain persons for evading military and naval service, be, and he is hereby, authorized and directed to strike out on page 1, line 7 ("h") and insert in lieu thereof ("i"); and on page 1, line 8, strike out ("i") and insert in lieu thereof ("j")."*

Mr. MARTIN of Massachusetts. Mr. Speaker, reserving the right to object, as I understand this just corrects a typographical error.

Mr. LESINSKI. The gentleman is correct. We passed a bill last week. This Senate resolution changes the lettering the paragraphs from "h" to "i" and from "i" to "j".

Mr. MARTIN of Massachusetts. It does not make any change in the legislation itself?

Mr. LESINSKI. None at all.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

The resolution was agreed to.

A motion to reconsider was laid on the table.

#### PERMISSION TO ADDRESS THE HOUSE

Mr. BULWINKLE. Mr. Speaker, I ask unanimous consent to address the House for 30 minutes on Wednesday next after the disposition of business on the Speaker's table, on a few matters which some may construe to be politics.

The SPEAKER. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

#### EXTENDING FROM 40 TO 90 DAYS TIME WITHIN WHICH VETERANS MAY APPLY FOR REEMPLOYMENT

The SPEAKER. The Chair recognizes the gentleman from Massachusetts [Mr. McCORMACK].

Mr. McCORMACK. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 5386) to amend the Selective Training and Service Act of 1940, as amended, to extend the time within which application may be made for reemployment, and for other purposes, which I send to the desk.

The Clerk read the title of the bill.

Mr. MARTIN of Massachusetts. Mr. Speaker, reserving the right to object, as I understand it this extends from 40 to 90 days the time within which a veteran may make application for reemployment.

Mr. McCORMACK. Yes. Under the present law a veteran after his discharge from the service must apply for reemployment in private or public employ within 40 days. That is what they call the 40-day period of grace. Selective Service has recommended that this time be extended to 90 days.

This matter has been passed upon by the Bureau of the Budget, by Mr. James F. Byrnes, and Gen. Frank T. Hines. I will incorporate in the RECORD a copy of a letter sent to the Speaker.

This bill provides a 90-day period of grace for veterans discharged from the service within which to apply for reemployment in their old jobs. In the case of a man hospitalized it provides a 90-day period after the end of his hospitalization providing the hospitalization is not for a period longer than 1 year.

Mr. MARTIN of Massachusetts. Does the gentleman think that is a long enough period?

Mr. McCORMACK. I have my serious doubts, to be perfectly frank with my friend, but this has been recommended. Extending it to a 90-day period will take care of the present needs and then if a problem arises we can easily extend it to meet that situation.

Mr. MARTIN of Massachusetts. I think the gentleman will agree that we shall probably have to extend it further.

Mr. McCORMACK. I am inclined to agree with the gentleman.

Mr. MARTIN of Massachusetts. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts for the present consideration of the bill?

There was no objection.

The Clerk read the bill as follows:

*Be it enacted, etc., That section 8 (b) of the Selective Training and Service Act of 1940, Public Law 783, Seventy-sixth Congress, approved September 16, 1940 (50 U. S. C. 308), as amended, be further amended by striking out the word "forty" therefrom and substituting the word "ninety" therefor, and by adding after the words "relieved from such training and service" the following: "or from hospitalization continuing after discharge for a period of not more than 1 year."*

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

Mr. McCORMACK. Mr. Speaker, I ask unanimous consent to include at this point in the RECORD a letter sent to the Speaker by General Hershey, the head of the Selective Service System.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

(The letter referred to follows:)

#### SELECTIVE SERVICE SYSTEM,

*Washington, D. C., September 11, 1944.*

The honorable the SPEAKER OF THE HOUSE OF REPRESENTATIVES.

MY DEAR MR. SPEAKER: There is respectfully submitted to you herewith a draft of a proposed bill to amend section 8 (b) of the Selective Training and Service Act of 1940, as amended, the purpose of which is to extend the time within which veterans may make application for reemployment.

Under section 8 of the Selective Service Act, there are several conditions precedent with which the veteran must comply in order to be entitled to employment by his former employer. Two of these conditions precedent are (1) that the veteran be qualified to perform such employment and (2) that he apply to his former employer within 40 days after discharge from the armed forces.

Obviously, a veteran who is hospitalized for more than 40 days following his discharge cannot meet these conditions precedent, and, therefore, under existing provisions of section 8 of the Selective Service Act is not entitled to reemployment benefits. In order to extend the coverage of section 8 to include a veteran who is hospitalized for not more than 1 year after discharge from the armed forces, the Selective Service System hereby respectfully recommends the enactment of the enclosed proposed bill to amend section 8 of the Selective Service Act.

The enclosed amendment, in addition to conferring reemployment rights and benefits to veterans who are hospitalized for not more than 1 year following discharge from the armed forces, increases the time within which a veteran can apply to his former employer for employment from 40 days to 90 days following discharge from the armed forces or release from hospitalization subsequent to discharge.

A draft of this letter and the proposed legislation has been submitted to the Bureau of the Budget, which has informed us that it has no objection to the submission to you of this proposed legislation. Prior to submis-



sion to the Bureau of the Budget, the proposed legislation was approved by Mr. James F. Byrnes, the Director of War Mobilization, and Brig. Gen. Frank T. Hines, the Administrator of Veterans' Affairs.

Sincerely yours,

LEWIS B. HERSHEY, *Director*.

#### DEMobilIZATION OF MEN IN THE ARMED SERVICES

Mr. COSTELLO. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. COSTELLO. Mr. Speaker, some days ago General Hershey made a statement in regard to the demobilization of men from the service.

Because that statement has been widely circulated, I believe it should be clarified at this time. He is charged with having made the remark that it would be cheaper to keep the men in the armed forces rather than to release them and make them, therefore, subject to some agency of the Government.

What he wanted to get across to the public was that demobilization should not be rushed and ill-considered but should be done in a very orderly manner. Because of the comment that has been made in this regard, the special committee of the Committee on Military Affairs investigating draft deferments called Colonel Keesling down for an explanation and, Mr. Speaker, I ask unanimous consent to include Colonel Keesling's testimony as given to our committee as part of my remarks, and I also ask unanimous consent to include in my remarks an editorial from the Washington Post which will also help clarify the situation and which indicates that this should not be made a political question. The Selective Service has been kept out of politics and should remain out of politics.

The SPEAKER. Is there objection to the request of the gentleman from California [Mr. COSTELLO]?

There was no objection.

(The matter referred to follows:)

Mr. COSTELLO. There is one more matter I meant to question you about and that deals with this problem of demobilizing the men as the men return from the war theaters. I believe the matter has been pretty much discussed back and forth the last couple of days, in view of the statement which is attributed to General Hershey. I understand that he is supposed to have made a statement to the effect that we can keep people in the Army about as cheaply as we could create an agency for them when they are out.

I would like to know if that statement was made by General Hershey, and, if it was made by General Hershey, if it was made prior to our meeting of last week, or subsequent to that meeting.

Colonel KEESLING. That statement you refer to there was not made following the meeting of last week. That was made sometime in August when the general was going around the country meeting with some of the local boards and State directors.

Mr. COSTELLO. In other words, the meeting we had last week, at which it was indicated that the men would be demobilized in orderly fashion, would supersede any statement that General Hershey might have made prior to that time.

Colonel KEESLING. That is right, and I would like to go into a little bit more detail on that if I may, Mr. Chairman.

Mr. COSTELLO. It was my understanding that at the time the statements were made before the committee last Tuesday the Army, the Navy, and Selective Service were in agreement as to the procedure they might endeavor to use in demobilizing the men.

Colonel KEESLING. I understand that was the purpose of last Tuesday's meeting, namely, to have the Army and Navy in, who were primarily interested in demobilization and who have paramount authority with respect to who is to be demobilized, and at what times they are to be demobilized, and in what numbers they are to be demobilized, and, also, to have Selective Service there in view of its interest by reason of its veterans' employment responsibilities.

Mr. HARNES. May I ask a question there? General Hershey has been sitting in with the Army and Navy in formulating these plans for demobilization, has he not?

Colonel KEESLING. Yes.

Mr. HARNES. And they have been working on that for several months, have they not?

Colonel KEESLING. Longer than that.

Mr. HARNES. It was after they started these plans for demobilization that he made that statement out in Denver, was it not?

Colonel KEESLING. I recall that General Tompkins had stated that the plans had been under consideration for some time. Now, just when the general entered into the picture personally in connection with the plans I do not know.

I know that the Selective Service, the Army, and the Navy have, necessarily, been working together on it. The Selective Service has a definite interest in demobilization, and the rate of demobilization. There is no question about that because of our responsibilities to get jobs for veterans and hence our interest in the time, place, and rate of demobilization.

We called the attention of the Army and Navy, and will continue to do so, to certain possible pitfalls that may come into the picture which might adversely affect the veteran and our operations.

Mr. HARNES. You see, Colonel, he made the statement in August, and that is last month.

Colonel KEESLING. That is right.

Mr. HARNES. And they have been meeting in conference on this for at least 2 or 3 months.

Colonel KEESLING. That is right.

Mr. HARNES. Formulating these demobilization plans.

Colonel KEESLING. That is right.

Mr. HARNES. And the plan is that the men serving abroad are not going to get out of the Army for at least a year.

Colonel KEESLING. I do not know exactly what the rate is, but I understood that, at this meeting we all participated in last week, General Tompkins stated that it was the War Department's policy that the men would be released as rapidly as possible, limited only by the factors of military necessity and the shipping facilities available.

In the course of that meeting, which was last Tuesday, when General Hershey was called upon after the Army and Navy had testified, General Hershey stated—because he has an interest in the rate of demobilization, and he has to help to get jobs for these men as they come out—that some thought should be given to the capacity of the facilities that would be available to help to get these men jobs, and that if it were possible to release them all at once, and if they were all released at once, it might be to their own detriment if the facilities couldn't handle them; whereas if demobilization were on a staggered basis, we could handle them, and they could be absorbed in an orderly manner into reconverting industry.

General Tompkins at that point stated that the factors of military necessity and the shipping facilities available necessarily, in his opinion, required an orderly demobilization on a staggered basis. As this was the

result General Hershey was seeking, he indicated general approval of the demobilization plans.

Also, General Hershey in his testimony indicated very definitely that he recognized and accepted the fact that the War Department and the Navy Department have primary responsibility for saying what the demobilization rates should be, and he indicated agreement that the War Department plan would be put into effect regardless of anything he might say.

Mr. HARNES. Do you think he had in mind when he made that statement that the plan would call for the demobilization of these men in a staggered manner and that it would be at least a year after hostilities before they got out of the Army?

Colonel KEESLING. I do not know what was in his mind because I have not gone into the matter in detail.

My only point today was that regardless of what General Hershey may or may not have stated, or what he may or may not have meant by his statement, that matter was water over the dam by the time of the hearing last Tuesday, or certainly by the next day when the plan was announced by those who had authority to make it and was definitely in existence. Unfortunately some of the factual information I have given to you today may not have been known in all quarters. In any event, although the issue was closed with the announcement of the War Department plan, it was unfortunately brought into the limelight again subsequently. I hope the matter which already has been made so much of will be clearly understood as a result of the facts I have just presented, and that it will be a closed issue once and for all.

Colonel KEESLING. With respect to that statement of General Hershey which we were discussing earlier, after additional thought, I have decided it would be advisable for me to make some further comments. I have hesitated to make these comments, but have concluded that it might be for the best of all concerned to do so.

It has been my opinion throughout the 4 years the Selective Service System has been in operation that the subject matter of selective service must be kept out of politics. Also, the Selective Service officials, while they are connected with Selective Service, must remain political agnostics and, regardless of party affiliation, must keep their Selective Service functions completely away from political matters. In addition, Members of Congress, representatives of other branches of Government, and others outside the Selective Service System must maintain a hands-off policy insofar as bringing political or discriminatory pressures to bear upon Selective Service operations and decisions.

These three points I consider to be musts because Selective Service deals with the most vital matters of life and death and affects millions of men, their families, and friends. The morale of those persons must be maintained, and they must have continued confidence that Selective Service operations and decisions are made impartially and without any discrimination on account of a man's race, creed, color, religion, party affiliation, or his affiliation with labor or management.

As to the first point, the subject of Selective Service has, in my opinion, been kept out of politics for 4 years as a result of the efforts of all concerned, both within and without the Selective Service System. Four years ago on the eve of the Presidential election, both President Roosevelt and Mr. Willkie expressly came out for the enactment of the selective-service legislation, thereby removing that subject as an issue in the Presidential campaign.

With respect to the second point, namely, that Selective Service officials must, in view of their position of unusual trust, submerge their political affiliations during their con-



nection with the Selective Service System, it is my firm conviction that General Hershey and the rest of the officers of the Selective Service System have, regardless of party affiliations, leaned over backward to keep out of political matters. We have recognized the necessity for our getting and remaining behind the veil of political agnosticism while connected with Selective Service in addition to any such requirements imposed by being in uniform. In this connection, when legislation was being considered, the enactment of which we did not deem advisable, we have always been most careful not to oppose the individual Members of Congress sponsoring the legislation, but rather merely to oppose the legislation. We, therefore, have fought principles rather than personalities wherever it was necessary for us to make known our opposition. Our experience reveals that we have thereby gained the friendship and respect rather than the enmity of those Members of Congress whose legislative proposals we have opposed from time to time.

A personal acquaintance of mine gave me some excellent advice 4 years ago when I first arrived in Washington to serve with Selective Service. At that time he advised me and cautioned me that so long as I was connected with Selective Service I should be an agnostic as far as politics were concerned.

The officers at national headquarters have felt so strongly about this point that we have continually fought the various proposals that have been made from time to time to compensate local board members. One of the main reasons for our objection to such proposals was the possibility that we would lose valuable personnel while at the same time run the risk of having a suspicion of politics and patronage creep into our operations. Even a suspicion of any discrimination cannot be countenanced where decisions of life and death are involved.

With respect to the third point, namely, the activities on the part of persons outside the Selective Service System, Members of Congress and other governmental officials have, so far as is within my knowledge, meticulously refrained from using political pressure to influence our decisions with respect to classification, selection, and deferment. In my capacity as chief liaison and legislative officer I have had first-hand knowledge on that score. It is with the greatest of satisfaction that I can say without qualification that the Members of Congress, whether they be Democrats, Republicans, or affiliated with other parties, have maintained a very definite hands-off policy and have even leaned over backward in refraining from any action on their part which might even be suspected of being political pressure for the deferment or induction of any man. This attitude on their part has been a source of great personal satisfaction to me. As a result of our mutual endeavors in this regard, a very fine relationship has existed between Selective Service and Members of Congress, regardless of political affiliation.

I feel very deeply about these matters and, consequently, in view of the foregoing, I sincerely trust that the issue which has been raised over General Hershey's statement will henceforth be closed and that all concerned will take care so that we will not be confronted with any similar situation in the future.

[From the Washington Post of September 16, 1944]

#### Bronx Cheer

It would be highly unfortunate if, on the basis of an unfortunate comment by General Hershey, Selective Service were to be used as a football in the political arena. General Hershey's comment that "we can keep people in the Army about as cheaply as we could create an agency for them when they are out"

was made at Denver on August 21. At the time we said the remark was highly unfortunate, and when Mr. Dewey picked it up and flayed the administration with it, we remarked that we could see no result but the undermining of soldier morale. Proof is contained in the CONGRESSIONAL RECORD of September 14, wherein Representative Woodrum includes a letter from a group of soldiers in France expressing sarcastic thanks for the pledge to keep them "in the bloodstained hedgerows of France, the fox holes of Italy, the damp darkness of the jungle, and (under) the shrapnel-torn skies of the world." It is a very lively, but distressing, Bronx cheer that is sent up and, though General Hershey asked for it, nevertheless we feel he will regret to see the effect that his comment has created. What he had in mind was the need for orderly reconversion and demobilization. That need was recognized in the demobilization plan as issued just before Mr. Dewey made the speech at Philadelphia in which he pilloried the Hershey comment. The plan, which was based on a soldiers' poll, has been widely approved, and no doubt Mr. Dewey, after studying it, will not withhold his own backing.

It has been said that General Hershey, besides being inept in his phraseology, was straying beyond his province in talking about demobilization. His job, according to this view, is to raise an army, not to dispose of it. The fact is that Congress has charged Selective Service with very specific duties in connection with demobilization. It is empowered to see that veterans are reinstated in their own jobs. To be sure, the duty might seem to trench upon the authority of other agencies, but there is now a coordinating body made up of General Hines, administrator of retraining and reemployment; W. M. C. chief McNutt, and General Hershey, which will prevent duplication of effort. Clearly Selective Service can be useful in helping to get veterans reinstated in civilian industry through the draft board machinery.

That machinery, of course, is composed of the 6,500 draft boards, the members of which have given prodigally of their time and services without compensation. It is not suggested that they should be asked to stay at their posts. If any members of the community deserve demobilization, it is these public-spirited citizens. But General Hershey seems to have persuaded them to take an interest in getting the veterans reinstated, and he has arranged to have a reemployment counselor attached to every board. Obviously these boards would be highly embarrassed, and the work of resettling the veterans would be retarded, if Selective Service were not kept above politics.

#### PERMISSION TO ADDRESS THE HOUSE

Mr. MARCANTONIO. Mr. Speaker, I ask unanimous consent that on Wednesday next, after any previous special orders heretofore entered, I may be permitted to address the House for 30 minutes.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

#### EXTENSION OF REMARKS

Mr. DILWEG. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and to include therein a letter.

The SPEAKER. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

[The matter referred to appears in the Appendix.]

Mr. MANSFIELD of Montana. Mr. Speaker, I ask unanimous consent that my colleague the gentleman from Montana [Mr. O'CONNOR] may be permitted to extend his remarks in the Appendix of the RECORD and to include copy of a keynote speech delivered by him at Lewiston, Mont., on September 9, 1944.

The SPEAKER. Is there objection to the request of the gentleman from Montana?

There was no objection.

[The matter referred to appears in the Appendix.]

#### PERMISSION TO ADDRESS THE HOUSE

Mr. HARNESS of Indiana. Mr. Speaker, I ask unanimous consent to address the House for 1 minute, to revise and extend my remarks in the RECORD, and to include therein copy of a resolution I have offered today, also an article entitled "The Lapsus Watchus," taken from the Washington Squirrel Cage, and also to include an editorial from the San Antonio Express.

The SPEAKER. Is there objection to the request of the gentleman from Indiana?

There was no objection.

#### THE PEARL HARBOR CATASTROPHE

Mr. HARNESS of Indiana. Mr. Speaker, I have today offered a resolution for an immediate congressional investigation of the greatest disaster that this Nation ever suffered, the Pearl Harbor catastrophe. The facts and allegations set forth in this resolution, and charges and innuendos published in numerous newspapers and magazines, make it mandatory for Congress to act with the utmost speed to ascertain the truth of the whole Pearl Harbor tragedy. The people have a right to be informed fully before the November election.

If the President of the United States is not responsible for this disaster, he should be cleared promptly of such grave and serious charges. On the other hand, if, as Commander in Chief of the armed forces, he has been culpable in directing our military activities in Hawaii, the American people should have the true facts before they are called upon to pass judgment on his fitness for reelection to a fourth term as President.

Three thousand eight hundred lives were lost at Pearl Harbor; thousands of others have been lost in the Pacific since that terrible day because we were rendered almost helpless and deprived of the fighting planes and vessels to resist the advancing Japs. The war with Japan has been unduly prolonged, and it is impossible to estimate the loss of lives and material yet to be suffered in the Pacific partly, if not altogether, due to the stupid and criminal negligence of someone in high office.

Whereas on January 27, 1942, Prime Minister Winston Churchill, addressing the House of Commons, said:

"But this question, serious and large as it is by itself, cannot be wholly decided without some attempt to answer the further question, What was the likelihood of the far eastern theater being thrown into war by a Japanese attack, I have explained how very delicately we walked, and how painful it was at times, how very careful I was every time that we







# H. R. 5386

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IN THE SENATE OF THE UNITED STATES

SEPTEMBER 19 (legislative day, SEPTEMBER 1), 1944

Read twice and referred to the Committee on Military Affairs

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## AN ACT

To amend the Selective Training and Service Act of 1940, as amended, to extend the time within which application may be made for reemployment, and for other purposes.

1        *Be it enacted by the Senate and House of Representa-*  
2        *tives of the United States of America in Congress assembled,*  
3        That section 8 (b) of the Selective Training and Service  
4        Act of 1940, Public Law 783, Seventy-sixth Congress, ap-  
5        proved September 16, 1940 (50 U. S. C. 308), as  
6        amended, be further amended by striking out the word  
7        “forty” therefrom and substituting the word “ninety”  
8        therefor, and by adding after the words “relieved from  
9        such training and service” the following: “or from hos-  
10       pitalization continuing after discharge for a period of not  
11       more than one year”.

Passed the House of Representatives September 18,  
1944.

*Clerk.*

Attest:

SOUTH TRIMBLE,

78TH CONGRESS  
2d Session

H. R. 5386

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SEPTEMBER 19 (legislative day, SEPTEMBER 1), 1944

Read twice and referred to the Committee on Military  
Affairs





# REEMPLOYMENT TIME EXTENDED

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## HEARING

BEFORE THE

COMMITTEE ON MILITARY AFFAIRS

UNITED STATES SENATE

SEVENTY-EIGHTH CONGRESS

SECOND SESSION

ON

### H. R. 5386

AN ACT TO AMEND THE SELECTIVE TRAINING AND  
SERVICE ACT OF 1940, AS AMENDED, TO EXTEND  
THE TIME WITHIN WHICH APPLICATION  
MAY BE MADE FOR REEMPLOYMENT,  
AND FOR OTHER PURPOSES

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NOVEMBER 24, 1944

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Printed for the use of the Committee on Military Affairs



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# REEMPLOYMENT TIME EXTENDED

FRIDAY, NOVEMBER 24, 1944

UNITED STATES SENATE,  
COMMITTEE ON MILITARY AFFAIRS,  
Washington, D. C.

The committee met at 10:30 a. m., in the committee room, United States Capitol, Senator Robert R. Reynolds (chairman), presiding.

Present: Senators Reynolds (chairman), Johnson, Hill, Downey, Chandler, and Gurney.

Also present: Colonel Lewis Sanders.

The CHAIRMAN. Gentlemen, we have before us H. R. 5386, a bill to amend the Selective Training and Service Act of 1940, as amended, to extend the time from 40 days to 90 days, on account of hospitalization, within which application may be made for reemployment.

(H. R. 5386 and the letter from the Selective Service System are as follows:)

[H. R. 5386, 78th Cong., 2d sess.]

AN ACT To amend the Selective Training and Service Act of 1940, as amended, to extend the time within which application may be made for reemployment, and for other purposes

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That section 8 (b) of the Selective Training and Service Act of 1940, Public Law 783, Seventy-sixth Congress, approved September 16, 1940 (50 U. S. C. 308), as amended, be further amended by striking out the word "forty" therefrom and substituting the word "ninety" therefor, and by adding after the words "relieved from such training and service" the following: "or from hospitalization continuing after discharge for a period of not more than one year".

Passed the House of Representatives September 18, 1944.

Attest:

SOUTH TRIMBLE, Clerk.

NATIONAL HEADQUARTERS,  
SELECTIVE SERVICE SYSTEM,  
Washington, D. C., September 11, 1944.

THE HONORABLE THE PRESIDENT OF THE SENATE.

MY DEAR MR. PRESIDENT: There is respectfully submitted to you herewith a draft of a proposed bill to amend section 8 (b) of the Selective Training and Service Act of 1940, as amended, the purpose of which is to extend the time within which veterans may make application for reemployment.

Under section 8 of the Selective Service Act, there are several conditions precedent with which the veteran must comply in order to be entitled to employment by his former employer. Two of these conditions precedent are (1) that the veteran be qualified to perform such employment and (2) that he apply to his former employer within 40 days after discharge from the armed forces.

Obviously, a veteran who is hospitalized for more than 40 days following his discharge cannot meet these conditions precedent, and, therefore, under existing provisions of section 8 of the Selective Service Act is not entitled to

reemployment benefits. In order to extend the coverage of section 8 to include a veteran who is hospitalized for not more than 1 year after discharge from the armed forces, the Selective Service System hereby respectfully recommends the enactment of the enclosed proposed bill to amend section 8 of the Selective Service Act.

The enclosed amendment, in addition to conferring reemployment rights and benefits to veterans who are hospitalized for not more than 1 year following discharge from the armed forces, increases the time within which a veteran can apply to his former employer for employment from 40 days to 90 days following discharge from the armed forces or release from hospitalization subsequent to discharge.

A draft of this letter and the proposed legislation has been submitted to the Bureau of the Budget which has informed us that it has no objection to the submission to you of this proposed legislation. Prior to submission to the Bureau of the Budget, the proposed legislation was approved by Mr. James F. Byrnes, the Director of War Mobilization, and Brig. Gen. Frank T. Hines, the Administrator of Veterans' Affairs.

Sincerely yours,

LEWIS B. HERSHEY, *Director.*

The CHAIRMAN. Now, I note here that General Hershey and Colonel Keesling will be present and give the committee the benefit of their views in regard to the matter. I heard several men express themselves to the effect that the boys ought to have 3 months in which to apply for restoration in their former jobs.

Do you gentlemen want to hear any witnesses on that?

Colonel KEESLING. I have a short statement here, and also would like to suggest perfecting amendments, if I might present them.

The CHAIRMAN. The bill has already been passed by the House. Colonel Watt told me if it is amended it won't be passed this Congress, as the House committee is away.

Colonel KEESLING. I thought the House could act anyway. However, I would at least like to read into the record some interpretative language as to what is intended to be covered, if I may.

The CHAIRMAN. I suggest we report the bill without amendment, and if you find out later that the House will be in a position to agree to the proposed amendments, we can offer them on the Senate floor.

Colonel KEESLING. Fine. I shall find out what the situation is in the House.

The CHAIRMAN. Now, General Hershey, will you please come around?

#### STATEMENT OF MAJ. GEN. LEWIS B. HERSHEY, DIRECTOR OF SELECTIVE SERVICE

The CHAIRMAN. Now, gentlemen, General Hershey is going to talk this morning about the placement of returning veterans, which is in line with the bill we are considering. He will give some special data pertaining to each State which will be of interest to the members of the committee.

General HERSHEY. Mr. Chairman and members of the committee, it seems to me quite fitting that as we get along toward the end of this Congress, we make a report, as we are expected to do under the law. This Congress has done so many very striking things that have had to do with our business that it seems we ought to sum it up, and I tried to set out here in this report, in rather brief form, the inventory, if you will, of our manpower and some of the tendencies.

The second part of the report has to do with the veterans' assistance program.

(The report referred to is as follows:)

REPORT OF THE SELECTIVE SERVICE SYSTEM TO THE SENATE AND HOUSE COMMITTEES ON MILITARY AFFAIRS UNDER PUBLIC LAW 197 OF THE SEVENTY-EIGHTH CONGRESS (AS OF END OF OCTOBER 1944)

PART I. MANPOWER

1. *Calls and inductions.*—The call for October 1944 was 87,050 and 79,543 (91.4 percent of the call) were inducted. Of the inductees 17,999 (22.6 percent) were fathers, and 7.3 percent Negro.

2. *Rejection rate.*—During September 41.6 percent of the registrants forwarded for preinduction examination were rejected for general military service; for whites the rate was 40 percent and for Negroes 56.1 percent. During the same month 10.7 of the registrants forwarded for induction were rejected; the rate for whites was 9.4 percent and for Negroes 24.6 percent. The high induction station rejection rates were probably the result of completely reexamining all registrants reporting for induction more than 90 days after preinduction examination.

3. *Separations from the armed forces.*—Separations to civil life of noncommissioned male personnel from the armed forces during September totaled 50,135 of which 59.2 percent were by reason of disability. Accumulative separations to civil life through September totaled 1,441,204, of which 50.8 percent were for disability.

4. *Armed forces strength.*—The approximate net strength of the armed forces on October 1, 1944 was 11,859,000.

5. *Government occupational deferments.*—As of September 30, 314,126 men aged 18 through 37 were deferred in classes II-A and II-B by reason of their employment in or under the Federal Government (United States and Territories). Of these, 70,540 had been found unfit for military service and were in the (L) or (F) designated classes. (For more complete information see monthly report filed under Public Law 23, 78th Cong.)

6. *Registration.*—During September 1944, 78,866 men aged 18 through 37 registered for the first time. Of these, 66,462 (84.3 percent) were men who registered during the month of their eighteenth birthday.

7. *Classification.*—As of November 1, 1944, for registrants aged 18 through 37:

	Number	Percent	Increase or decrease during October
Total living registrants.....	22,098,000	100.0	-15,000
Class I-C.....	10,574,000	47.9	+67,000
Classes IV-F, I-A (L), I-A-O (L).....	3,601,000	16.3	+13,000
Classes I-A and I-A-O.....	891,000	4.0	-122,000
Unclassified.....	58,000	.3	-5,000
Classes II-A and II-B.....	4,264,000	19.3	+6,000
Classes II-A (L), II-A (F), II-B (L), II-B (F).....	813,000	3.7	+65,000
Classes II-C and III-C.....	1,536,000	6.9	-30,000
Classes II-C (L) and II-C (F).....	120,000	.5	+9,000
Class III-D.....	61,000	.3	-4,000
Classes III-A, IV-B, C, D, E.....	180,000	.8	-14,000

8. *September classification actions.*—Monthly classification actions on registrants aged 18 through 37 decreased to a total of 722,780 during September, or 62,718 less than during August. An analysis of the actions reveals the following:

(1) During September there were more actions into I-A and I-A-O and from I-A and I-A-O than any other class.

(2) The percentage of actions into I-A and I-A-O and IV-F increased during August and September and the percentage into II-A and II-B, II-C, and (F) designated classes decreased. The number of men in the two younger age groups classified into I-A and I-A-O remained practically constant from July through September, but 6,313 more men aged 30 through 37 were so reclassified (mostly from II-A, II-B, and II-C) in September than in July. The increase



in percentage from 16.7 percent in July to 24.2 percent in September for all ages placed in I-A and I-A-O was caused primarily by the decrease in number classified into other classes. A larger number of men in each age group were reclassified into IV-F in September than in either July or August.

(3) The percentage of actions from II-A and II-B, II-C, I-C, (F) designated classes and unclassified increased during August and September and the percentage from III-A and III-C and I-A and I-A-O decreased. The flow from the occupationally deferred classes was primarily into I-A for all age groups. From I-A and I-A-O the highest percentage (61.7 percent) of men aged 18 through 25 were reclassified into I-C and in each of the older age groups over 60 percent were deferred in II-A and II-B. 56.5 percent of the men leaving III-A were deferred in II-A and II-B, and 91.4 percent of those leaving III-C were placed in II-C.

(4) The percentage of total actions which were on men aged 18 through 25 increased during August and September (from 37.8 percent in July to 42.7 percent in September) and the percentage for both of the older groups decreased.

9. *Class IV-F and classes with "(F)" designation.*—During September, 69,551 men were reclassified into and 139,831 were reclassified from IV-F. The majority of the men (57.8 percent entering IV-F were from I-A and I-A-O, and 80.3 percent of those leaving were placed in the "(F)" designated classes.

130,089 men entered the "(F)" designated classes and 23,253 were reclassified from them. 90.4 percent of the men entering II-A (F) and II-B (F) and 53.6 percent of those entering II-C (F) were from IV-F. Of the actions from the "(F)" designated classes, 70.6 percent were reclassified into IV-F.

## PART II. VETERANS' ASSISTANCE PROGRAM

In 1940 Congress wrote into the Selective Training and Service Act Section 8 (g) which provides:

"The Director of Selective Service herein provided shall establish a Personnel Division with adequate facilities to render aid in the replacement in their former positions of, or in securing positions for, members of the reserve components of the land and naval forces of the United States who have satisfactorily completed any period of active duty, and persons who have satisfactorily completed any period of their training and service under this Act."

Under provisions of the Servicemen's Readjustment Act of 1944 (Public Law 346, 78th Cong.) the Director of Selective Service is a member of the Veterans' Placement Service Board. This board determines all matters of policy relating to the Administration of the Veterans' Employment Service of the United States Employment Service. In creating this board, Congress declared "as its intent and purpose that there shall be an effective job counseling and employment placement service for veterans, and that, to this end, policies shall be promulgated and administered, so as to provide for them the maximum of job opportunity in the field of gainful employment."

Since February 24, 1944, the Director of Selective Service has served as a member of the Retraining and Reemployment Policy Board of the Retraining and Reemployment Administration in the Office of War Mobilization, created by Executive Order No. 9427. This Board has had general supervision and direction of the activities of all Government agencies relating to the retraining and reemployment of persons discharged from the armed services, or other war work. The Congress recognized these functions in creating the Retraining and Reemployment Administration by law in the War Mobilization and Reconversion Act of 1944, approved October 3, 1944, which supersedes the executive order. Among present functions of the Retraining and Reemployment Administration, as provided by law, is "to confer with existing State and local agencies and officials in charge of existing programs relating to retraining, reemployment, vocational education, and vocational rehabilitation for the purpose of coordinating the activities of existing Federal agencies with the activities of such State and local agencies."

These provisions of law govern the basic responsibilities of the Selective Service System in the program of veteran employment.

In discharging his responsibilities to returning veterans, the Director of Selective Service, 4 years ago, established in national headquarters a Veterans' Personnel Division. The governors in each State and the State directors of selective service under authority delegated by the governors are generally

responsible for the administration of the veterans' assistance program in the States. The program in each State is operated as a State-Federal function with a minimum of guidance from national headquarters.

The actual functioning of the system is in the grass roots—on "Main Street"—where the man and the job must meet. At this level there are approximately 200,000 members of the Selective Service System—unpaid and paid personnel working together—assisting veterans. Of this number, 24,000 are members of the 6,443 local boards, 15,000 are reemployment committeemen, 36,000 are physicians and dentists, 75,000 are members of advisory boards, 8,000 are lawyers, and 21,000 are paid clerks and other paid full-time and part-time employees. There is at least one local board in every county in the United States.

These local board members and reemployment committeemen, who are making their patriotic contribution, without compensation, are representative citizens of their communities. They are familiar with employment conditions, are acquainted with employees, and many themselves are employers. Charged initially with the dual responsibility of supplying men to the armed forces and at the same time preserving the industrial and economic stability of our Nation for war production, these officials have learned over a period of 4 years what the industrial and economic situations were, and are, not only in every community, but in practically every plant.

In their local board files they have built up complete records of the veterans whom the boards selected for induction, records showing the veterans' former job connections, capabilities and achievements in the service. There has been a relationship of the most confidential sort between the veteran and his local board on matters concerning his mental, physical and financial condition. In discussing these matters with his board the registrant has had the advantage of conferences with persons who were his neighbors, persons who were serving without pay strictly through patriotism, persons in whom he was willing, and continues to be willing, to confide.

As a matter of fact, local board personnel have been engaged in aiding veterans to obtain employment ever since the Selective Service System was organized 4 years ago. At the very outset, when it was provided that training be for a 1-year period, it was apparent that a number of men would be discharged by reason of disability or at the conclusion of training would be in need of assistance. The facilities of Selective Service at that time were organized in such a way that notice of a veteran's prospective separation from service would be sent to his local board or to a reemployment committeeman in the community where he proposed to seek a job, so that employment assistance could be given him immediately upon his return to civil life.

Trained by experience over the last 4 years, these local board members and others will not consider that they have discharged their full obligation to the Nation and to the veterans until the last veteran has been reintegrated into his rightful place in the civilian community. They are prepared to stay on the job so long as there is a job to do.

The job before us is one of tremendous proportions, as the Congress well recognized when it legislated on the subject. It is big enough not only for the fullest efforts of all existing governmental agencies but for the participation of all organizations and individuals who are willing to help. A maximum of assistance will be needed "back home" in the communities, where the jobs exist or will be made to exist. Many patriotic and other public-spirited organizations have already volunteered their assistance, which will be invaluable. Selective Service has welcomed this cooperation and is helping to coordinate their efforts with its local board activities so there will be a minimum of confusion and overlapping of effort.

The responsibility of the Director of Selective Service is to aid in getting jobs for veterans, making use of the services of every available agency that makes job placements, to help coordinate our program with theirs and to cooperate to the fullest. This has been done under section 10 (a) (4) of the act, which provides for the utilization of all these facilities.

In rendering aid to veterans in obtaining new jobs, Selective Service, under the general direction of the Retraining and Reemployment Administration, has a working arrangement with the United States Employment Service War Manpower Commission, so that all of the latter's facilities are available. There is a similar cooperation with other agencies that make job placements. Selective Service itself would undertake the actual placing of veterans in new jobs only in the event of failure by other public or private agencies, or in event facilities of another agency might not be readily available in a particular locality.

Satisfactory solution of this problem requires the full employment of the American people. Insofar as this applies to veterans, Selective Service is organized for it, has been doing, and will continue to do, its full part.

General **HERSHEY**. I do not want to take the time of the committee to read this report. I will call your attention to the headings, and if there are any questions on any of these headings, I will be glad to take them up. There are two or three things I want to say on the veterans' assistance program when we get to it, but on part I I think the quickest way is to answer any questions on any of these headings that anyone has to ask; otherwise I will not hesitate on it.

The **CHAIRMAN**. I think that is a very good way to handle it, paragraph by paragraph, General.

Senator **CHANDLER**. In paragraph 1 you say "the Call for October 1944 was 87,050, and 79,543 were inducted." What happened to those who were not inducted?

General **HERSHEY**. I would like to make a statement on that. If the committee recalls, there was a law passed some time ago setting up the preinduction examination, which was to be an absolute method of determining ahead of time whether a man was capable of going or not. Now, like everything else we do, the accomplishment does not always quite meet what we had hoped, and unfortunately there are people who pass the preinduction examination and then, either because of change of standards, change of condition in the man, or perhaps change in the personnel of the examining board, when this man comes back he is rejected. You will see in paragraph 2 that 10 percent of the men who had been accepted on preinduction examination were rejected on induction examination. I believe it is a conservative statement to say that this will be materially reduced.

The State directors were in last week, and we had 2 or 3 hours with the G-1 of the War Department on this subject. We have been somewhat alarmed by the fact that 10 percent of the men who had been previously accepted were rejected. Part of it is due to the fact that inductions have slowed down and that some of the preinduction examinations have been more than 90 days old, and part of it is due to the fact that under the survey we are making on the manpower condition of registrants, we were able to furnish more information about their home conditions than we had heretofore, and some of those things have been factors in the rejection. Some of the rejections probably have been due to a change in psychological standards since early summer.

Now, whether I have covered all the factors or whether we shall find some others, I cannot say, but that is the main reason why the rejection rates at the induction centers of previously accepted men was some 10 percent. That is about the story of it.

Senator **JOHNSON**. Well, on this 7.3 percent Negro, the ratio is about 10.

General **HERSHEY**. That is right.

Senator **JOHNSON**. How does it happen that they have fallen down?

General **HERSHEY**. I think there are two or three reasons. One of the main reasons is that the War Department has found itself under the necessity of inducting primarily for replacements. In fact you will note that the separations are getting so that they are not too far from the inductions, and the War Department tells us when they induct



replacements they induct replacements for the units which have suffered losses.

Senator GURNEY. There are not so many losses in the colored troops as there are in the white troops, percentage-wise, are there?

General HERSHEY. That is my understanding.

Senator GURNEY. They are not on the front line.

General HERSHEY. That is my understanding. I do not want to get too far into the order of disposition because I do not know, but that is what I have been told.

The CHAIRMAN. Isn't that due to the fact that they are doing largely engineering work?

General HERSHEY. I think that is true. I will say that the Army call for January has been raised on the colored. We are trying to keep them all the time up to about 10 percent.

Senator DOWNEY. General, what percentage of the inductees were married men for October 1944?

General HERSHEY. I will have to furnish that. I have the figures here for fathers but don't have it for all married men.

Senator JOHNSON. What percentage were rejected for illiteracy?

General HERSHEY. As of November 1 about 612,000 had been rejected for failure to meet the educational or intelligence standards of the armed forces. That figure includes morons, imbeciles, and idiots, but does not include some 750,000 who were rejected because of mental disease.

The CHAIRMAN. How many were rejected for physical disability alone, as distinguished from mental disease or deficiency?

General HERSHEY. Of a total of approximately 4,400,000, 3,000,000 were rejected for physical reasons and 1,400,000 on mental grounds.

In the report, in paragraph 7, if you will add the IV-F's, which is the third item, 3,600,000 and classes II-A (L), II-A (F), II-B (L), and II-B (F), which is 813,000, and classes II-C (L) and II-C (F), which is 120,000, you will have the total of the rejections for physical, mental, emotional and moral reasons, which gives you about 4,500,000. As there are included some 70,000 who were rejected for nonmedical reasons, that is for moral reasons, the net total for medical is about 4,400,000.

Senator DOWNEY. Well, those sad figures were a good, strong argument for Senator Gurney's bill.

General HERSHEY. If there is any place in there that you would like to ask any questions, I would be glad to answer them.

The CHAIRMAN. Are there any questions, gentlemen?

Senator CHANDLER. What is the average of separations from the service per month now? Is the 59.2 percent shown for September about the average, General?

General HERSHEY. You mean the 51,000 listed in paragraph 3?

Senator CHANDLER. You say "separations to civil life of noncommissioned male personnel from the armed forces during September totaled 50,135."

General HERSHEY. That is right.

Senator CHANDLER. Of which 59.2 percent were by reason of disability.

General HERSHEY. Yes.

Senator CHANDLER. How does that compare with the month-by-month separations?

General HERSHEY. That is growing now. It is less than it was a year ago because a year ago we happened to have 5 or 6 months when men were being discharged for being limited-service men. That thing went down in January and February, and kept on falling until along beginning the summer and then it started to rise again. I think you can expect that to materially increase because the men from now on are going to be more and more people who have disabilities. We have probably three or four hundred thousand or more who are in the mill now and are on the way out who can never go anywhere except out.

Senator CHANDLER. What are the other reasons, other than disability, that you discharge them for presently?

General HERSHEY. You had the over-age, of course.

Senator CHANDLER. Yes.

General HERSHEY. You have had the hardship cases.

Senator CHANDLER. Yes, sir.

General HERSHEY. And you had, unfortunately, in there in some of the services, some discharged on orders for unsuitability. It was not classified as physical disability.

Senator CHANDLER. Are you trying to get the fellows out who are over age? What is the position in regard to the fellows who are over age and who are not professional soldiers?

General HERSHEY. I think the Army can answer it better than I can, but my observation is "No."

Senator CHANDLER. You are not doing it?

General HERSHEY. It depends on where the man is and on whether they can call him surplus or not.

Senator HILL. Isn't that the rule or the test? If a man is surplus, nobody needs him or wants him, has no place for him, they discharge him. If, on the contrary, there is a job for him to do, a place for him to fill, why, he is not discharged.

General HERSHEY. I think the tendency is to call that lack of suitability rather than age. Even if age was the controlling factor, they do not say so. They tend to let him out because they cannot find anything for him to do.

Senator JOHNSON. Common experience leads me to believe the Army is anxious to get rid of them, but the Selective Service will not let them be discharged. The Army recommends many, many men for discharge and the Selective Service says "No."

General HERSHEY. I would be glad to make a statement on that, because that is one of the hottest issues with some of the State directors. The State directors and the local boards have the proposition of public relations before them when a man returns to his community. If anything has occurred since the man went away which makes the community need him, or if hardship has increased, I think the local boards would feel that is justified.

On the other hand, if the reason is that we are not taking men like this at the present time but we did take them at the time we took him, the local board does not feel they can let him go home unless they recommend that everybody go home in his age bracket. Otherwise he returns to the community and creates a morale problem for the families of the other men who remain in, also they have to send somebody to take his place.

I think the big issue is whether or not, when you change the rules on induction, as we did, and discouraged taking men over 30 if they participate in any essential occupation, the Army should discharge the 1,200,000 whom they have who are over 30. Obviously, the Army cannot, unless we know that somewhere we can furnish at least 90 percent of other people to take their place.

We are in the embarrassing position of holding for the service men whom we are not now taking. But the needs of the present are particularly for vigorous people. You have all the corners filled up where you can use limited service men, and if you haven't, you can get plenty from the returning wounded men who can be made into limited service men, but never again into class A men.

That is the situation we are up against. Unfortunately the company commander—and that was one of the bones of contention of my State directors—the company commander can say "Yes" to the man because he knows somebody else has to over-call him. It is one of the things about which there has been some pretty sharp discussion, because the local board does not like the idea of the company commander passing the buck to them by saying "Yes" and having the only villain in the piece being the local board which says "We do not want him back because we are sending men now who are more valuable to the community than he is."

Senator JOHNSON. General, do you have any opinion with respect to the amount of training that these replacement men receive?

General HERSHEY. No. The only thing I could repeat would be gossip. The Army would be the one to answer that because I have no responsibility and hence no knowledge about it.

Senator JOHNSON. Your comment to the effect that these replacements had a direct bearing on the need leads me to that question. When you bring in 7.3 percent Negroes because you have need or a requirement for them, it seems to me you must be pretty close to filling the requirement when you break it down to that extent.

General HERSHEY. Our requirements at the present time are for two classes. The Navy is still building, and with the Army it is maintenance.

Senator JOHNSON. Yes; but when you explained the unorthodox ratio here of the Negro inductees on the basis of replacement, why, the replacement and induction must be coming very close together.

General HERSHEY. You can see by the numbers. We took in about 80,000 and let out about 50,000, and the 30,000 is about the gain that the Navy made from our call in October. They made more gain than that because they enlisted some.

Senator JOHNSON. What I was trying to find out is, How long is it after a man is inducted until he actually goes to replacement?

General HERSHEY. I think the Army should answer that. I do not know how long they process the man before he actually gets into a combat unit.

Senator JOHNSON. But your explanation of the increased replacement there leads me to believe it must be a very short interval.

Colonel SANDERS. Six months from the time he is inducted to the time he actually gets into battle.

Senator GURNEY. I am sure that is not correct, because there are quite a few that have reported to me they get into actual combat in less than 6 months.



Senator JOHNSON. In 4 months.

Senator GURNEY. Yes. In less than 6 months, anyway. I will admit that they do get training.

Senator JOHNSON. That is a man over 20 years of age?

Senator GURNEY. Yes.

Senator JOHNSON. I think they have a rule for men under 21, but for men over 21, it is something around 4 months.

Senator GURNEY. Well, they do get training quicker when they go in for replacement in a squad than if you had actually a whole new squad.

Colonel WATT. Replacements get 13 weeks' basic training and then they go to foreign service.

Colonel SANDERS. The majority of men are in about 6 months, from induction to actually getting into battle. They get 17 weeks' basic training and then they get into training units all the way up to the front. So the majority get about 6 months before they are actually fed into battle.

Senator CHANDLER. Did they not find out during the last war that the percentage of casualties is much higher in troops that did not have more than 6 months' training? They tried to give them 1 year's training, but they found out they could not do it. But they did find in Baker's report that casualties were higher among fellows that had 6 months' training. Is that being repeated?

Colonel SANDERS. No, sir. There is a big difference between the training of a unit and the training of replacements that are fed in, as long as the percentage is kept small, not over 10 percent fed in at any time. You send a group in with 6 months' training and the casualties are very high.

Senator DOWNEY. Your remarks applied originally to replacements?

Colonel SANDERS. To replacements.

Senator CHANDLER. The policy has been not to send in more than 10 percent replacements at any one time?

Colonel SANDERS. About that.

Senator GURNEY. In other words, you would say, Colonel, a unit that had lost more than 10 percent in casualties would not be kept in the line?

Colonel SANDERS. That would depend on local conditions. Sometimes you have to keep them in there even if they ought to be taken out. It depends on what reserve troops you have and what the enemy has.

The CHAIRMAN. All right, gentlemen, are there any other questions?

General HERSHEY. I will finish up with part I before I launch into part II.

Senator CHANDLER. Let me ask one more question. What are you doing with 38-year men now?

General HERSHEY. Men over 38?

Senator CHANDLER. Yes.

General HERSHEY. That come up for induction or the ones in the service?

Senator CHANDLER. Well, both.

General HERSHEY. The ones in the service I cannot answer for. The ones who are over 38 who are not in the service we put in IV-A, an over-age class. That is a permanent classification, that is, as per-

manent as anything else is in life until we change regulations, but at least we did not take them for around 6 months.

Senator HILL. They are really not subject to the draft?

General HERSHEY. They are legally subject to the draft but they are not administratively. In fact, we are only taking 16 or 17 percent over 26. If the man over 30 participates in any essential activity—and the essential activities include not only everything which has been declared but also anything which the local board wants to add—we do not take him. I suppose 5 or 6 percent is all that we take over 30. Some are volunteers. The volunteers are falling off a little.

The CHAIRMAN. You do not accept volunteers who are over 25?

General HERSHEY. Oh, yes. In fact, the law says you should accept a volunteer before you do anything else.

The CHAIRMAN. You accept a volunteer over 25?

General HERSHEY. Oh, yes; but not over 38. The man who volunteers and is between 30 and 38 and passes a physical examination, we have to take him. The law says the first thing you do on filling the call is to fill it with volunteers. After the GI bill was passed we had a good many hundreds of men over 30 who volunteered.

The CHAIRMAN. You will not accept a volunteer over 38?

General HERSHEY. No.

The CHAIRMAN. Under any circumstances?

General HERSHEY. No. The War Department does not give us requisitions for anybody over 38. They say all of the people on this requisition must be under 38 years of age, and therefore we have to furnish the men on the basis of the age specified in the call.

Senator CHANDLER. General, from your experience, assuming you can get an adequate army by the draft method, where is about the age where you ought to stop? I ask that in order to get some idea for the future.

General HERSHEY. For the future?

Senator CHANDLER. Yes.

General HERSHEY. Well, for the future, except to fill up these corners with limited service people, I would start a war and fight it as long as I could with men under 26 years of age. Now, you may kill off particular age groups but, on the other hand, I think Congress very wisely did everything they could to avoid that, and yet under the rules made by others than us, the physical disabilities and rejections and deferments of older men on other grounds finally brought us to approximately the same result anyway.

The CHAIRMAN. Are there any other questions, gentlemen? Proceed, General.

General HERSHEY. In part II I did want to recall to your mind that in the Selective Service Act, the initial one, the Director of Selective Service was told to form a division and to provide facilities to see that everything possible should be done to insure that the returning veteran got the rights which the bill gave him.

In the G. I. bill the Congress outlined, in rather sharp definition, what they thought those rights would be. One was adequate job advice, and another was job placement, to the end that the veteran should have the maximum opportunity for jobs in gainful employment which, as far as selective service goes, is our task, because we believe that is what the Congress said.

The Congress again, in the reconversion bill, placed upon the Administrator of Retraining and Reemployment the job of coordinating all of the several Federal agencies and consulting with the State and local agencies to the end that the veteran got his job. Obviously, many Federal agencies, the United States Employment Service, which is part of the Manpower Commission, the Railway Retirement Board, the Extension Service of the War Food Administration, the Agricultural Department, the Civil Service Administration and the Selective Service System, have responsibilities in placing this veteran back in his job.

Many of the States have passed laws, many governors have taken administrative action, and thousands of communities, acting through many public and private organizations, have done much to solve or help solve this problem when it comes. We have today something over a million veterans who have gone back, but obviously the big flood is to come later.

Now, for the Selective Service System, we do find ourselves in a field where there are many other Federal agencies. I only desire today to indicate very briefly what we have done to carry out what we believe to be the obligation placed upon us by the Congress.

Four years ago, as most of the members recall, Colonel Sanders organized what was then called the Reemployment Division in national headquarters, and that sparked the appointment of many reemployment committee men in the several local boards. Obviously at that time very few veterans were coming back, and most of the reemployment was in the area of planning, but, as you can see, it is getting now to a place where there are 50,000 coming back monthly, and the time may not be too far away when we have many thousands more.

The local board is the basic part of the Selective Service System, and from that our organization must stem. Selective Service believes that the readjustment of military personnel is only going to be accomplished by the work of 135,000,000 people who organize and operate on a national objective in every community, and therefore our care has been to try to supplement and spark, to the best of our ability, the efforts of agencies, public and private, on national, State, and local levels.

I have brought some maps up here which I thought you might be interested in. I prepared a map showing for each State represented by members of this committee the location of the local boards, the United States employment offices and the veterans' installations in each of such States. That will give you some idea of the coverage which you have in the Federal agencies at the present time in your respective State. This map of the United States which I am holding here gives you some idea of the coverage in the United States. The black spots are local boards. The red spots are United States employment offices, and the green spots are installations of the Veterans' Administration. There are 119 Veterans' Administration offices, 1,412 U. S. E. S., and 6,443 selective service local boards. As you know, at the present time General Hines is both the Administrator of Veterans' Affairs and also the Administrator of Retraining and Reemployment.

Probably, as you come back in the next Congress, you are looking over some of the things on which the Congress may have to clarify the participation of many of these agencies.



Of course, it has always been the belief of Selective Service, in mobilizing an Army and in demobilizing one, that it is too big a job to be undertaken by any agency that must depend solely upon individuals hired by the Federal Government or by the States. I have an exhibit here which will give you some idea of what we in Selective Service have always been rather proud of. On one side you will see the paid personnel and on the other side the unpaid. Reducing it to very simple language, for every man or woman we hire we get some service from 10 citizens who work without any compensation.

(The exhibit referred to is on file with the committee.)

When we are back to normalcy, if we ever are, it is quite another matter, but we have a feeling that somehow or other if we are going to get this job done we have to spark the effort of all of our people and that the sparking has to be done in the community, because that is where the jobs are, that is where the people are, and that is where about everything has got to be settled.

There are some things which have to be done federally, many things have to be done in the States, but after all is said and done the job is going to have to be done back where those sparks are.

We have had some little experience in replacing people, but not many. What experience we have had is not too significant, for many reasons. In the first place, the numbers are not very great and the demand for labor is still very great. The men who come back are not a true cross section. All of those things do not make the experience we have had up to date of any particular value. Anyone can get a job for a man who has come out of the Army when the country is crying for men, but when that time is past, then we have got to worry that there are going to be jobs for everybody. If there are going to be jobs for everybody then the Selective Service has no problem, nor has the Congress; but if there are not, then the Selective Service System believes that the Congress has told the Director that it is his obligation to see that every veteran, so far as he can, has the maximum opportunity for employment in a gainful occupation and unless or until, by Executive order or by the Congress itself, that obligation is removed, the Director of Selective Service feels that he must take every action that he can within the limits of the organization to see that the veterans get an opportunity for gainful employment.

I think, sir, that is about the story.

The CHAIRMAN. Did you state the percentage of people in that reemployment work who are working without payment?

General HERSHEY. About 90 percent. In fact, it is a little higher than that in reemployment, because at the present time there is no one we have who is paid, except in State headquarters we do detail personnel that is there for other reasons to carry this on. And in the local board we hire no extra clerks for reemployment, but use those who are there.

As classifications and inductions have gone down the reemployment task has gone up. Our paid personnel is about 7,000 down from the maximum. We had at one time 25,000 paid employees, and we are keeping very nearly 18,000 at the present time; but the only paid people in the reemployment business are those local board clerks and a few people in State and national headquarters who par-

ticipate. We have about 17,000 reemployment committeemen in addition to about 25,000 local board members, and all those are unpaid.

One thing which we have, of course, in these local boards is the record of every individual between 18 and 65. The information on those above 45 is somewhat sketchy, but on those below 45 it is complete. We have had to know pretty much of the personal business, the occupational capacity and about everything else on these individuals in order to classify them.

In restoring them to their jobs we need to know what they did before they went away. We know what the employer said they did, sometimes in very glowing terms, because we have the declarations which the employers made in seeking their deferment. So we are in a reasonably good position to try to put a man back without again inquiring into his business, because we already know much about his personal affairs, how much money he gives to the different members of his family, and everything else.

The same thing can be said about the discharge of these boys who are coming out because they are neurotics. We are in a position to recommend jobs which they should not take, because we know they were let out for being neurotic. On the other hand, the type of thing they are discharged for may not in any way interfere with their employment in occupations where noise or some other thing is not a factor.

The CHAIRMAN. Are there any questions, gentlemen? Proceed, please, General.

General HERSHEY. I believe that the report and the things I have said about covers it. I do not want to weary the committee at all. I just wanted to give you some idea of how we are attempting to carry out the responsibilities which the Congress has put upon us.

I cannot make much of a report on the difficulties which we are going to run into because they have not come up yet. With the tide of the war as it is we are in a situation where perhaps it is better not to say too much on post-war planning.

On the other hand, if we wait for the readjustment of the personnel problem until the war is over, the flood is going to be on us before we know it. We know of no way to absorb it except through the same agency that put it in.

There is a problem which the Congress will probably have to think about in the future, and that is to what extent you can depend upon men to give their time after the war is over to replace a man in a job. I had some doubt about that some months ago. I did, however, see a great many local boards in 10 States this summer in the Northwest and Middle West country. I have seen all the State directors within the past week. Obviously, you cannot forecast what people will do, but I have seen many things which lead me to believe that the same desire to do a job that caused the men on local boards to take these men from their homes is going to carry them through to see that this reemployment job will be done, and I think it would certainly be a more desirable task for a local board member to give a man a job than it was to send him to war.

I think many of the local boards feel a very deep obligation to do their utmost to get those men jobs because they feel they had a respon-



sibility in taking them out of their jobs and sending them into battle.

The CHAIRMAN. Well, we are very much obliged to you, General. It is always a pleasure to have you and the colonel with us.

### STATEMENT OF COL. FRANCIS V. KEESLING, JR., SELECTIVE SERVICE SYSTEM

Colonel KEESLING. Since our discussion of H. R. 5386 earlier in this hearing I have talked with both Judge May, chairman of the House Committee on Military Affairs, and Congressman McCormack, House leader, and they said that if the Senate adopted the amendments I am suggesting, they would concur in them. Judge May said he will remain here in Washington to take care of this bill and any others which may come up.

Senator HILL. Mr. Chairman, I think we had better adopt those amendments. It would call for less explanation on the floor of the Senate.

The CHAIRMAN. Do you make that as a motion?

Senator HILL. I do not know what the amendments are. Maybe we had better have a brief explanation of what the amendments are.

Colonel KEESLING. The purpose of the proposed legislation is to extend the time within which members of the armed forces who are released from active duty may apply for restoration in their former civilian employment so as to be entitled to reemployment under the provisions of Public Resolution 96 of the Seventy-sixth Congress (known as the National Guard bill), Public Law 783 of the Seventy-sixth Congress (known as the Selective Service Act), and subsequent legislation.

Additional protection would be afforded by the proposed legislation in the following two respects:

1. The 40-day period within which application for reemployment must be made is extended from 40 to 90 days following release from active service.

2. If hospitalization immediately follows release from active duty whether or not it existed at or prior to such release, and if it does not last for more than 1 year following such release, application for reemployment may be made within 90 days from release from hospitalization.

In order to perfect the language of the proposed legislation so as to assure what is intended to be covered, it is recommended that the proposed legislation be modified by adding two new sections reading as follows

Sec. 2. Section 3 (b) of Public Resolution 96 of the Seventy-sixth Congress (U. S. C., 1940 ed., Sup. III, title 50, App., sec. 401; 54 Stat. 858), as amended, authorizing the President to order members and units of reserve components and retired personnel of the Regular Army into active military service is further amended by striking out the word "forty" therefrom and substituting the word "ninety" therefor and by adding after the words "relieved from such active duty or service" the following: "or from hospitalization continuing after discharge for a period of not more than 1 year."

Sec. 3. Section 7 of Public Law 213 of the Seventy-seventh Congress (U. S. C., 1940 ed., Sup. III, title 50, App., sec. 357; 55 Stat. 627), the Service Extension Act of 1941, is hereby amended by inserting "as amended," after the words "Selective Training and Service Act of 1940."

The addition of these two sections will assure that persons covered by section 3 (b) of the National Guard bill and by section 7 of the Service Extension Act will have the benefit of the extensions of time within which to apply for reemployment.

The proposed legislation prior to its introduction at the request of the Selective Service System had received the approval of Hon. James F. Byrnes, the Director of War Mobilization, Brig. Gen. Frank T. Hines, the Administrator of Veterans' Affairs, and the Bureau of the Budget. The perfecting suggestions have been discussed with, and have received the approval of, the Solicitor's office of the Veterans' Administration.

The following are some examples of cases intended to be covered and some examples of cases not intended to be covered:

1. Cases intended to be covered:

- (a) A person hospitalized in any hospital at the time of discharge who either remains at that hospital immediately following discharge, or transfers to another hospital immediately following discharge.
- (b) A person not hospitalized at the time of discharge but who is hospitalized immediately following discharge for a mental or physical condition existing at the time of discharge.

Hospitalization may take place at any type of hospital. Therefore, it does not have to be at a veterans' facility, but may be at a private hospital or any other type of hospital. The person does not have to remain hospitalized at one particular hospital or one particular type of hospital, but may shift from hospital to hospital one or more times, provided hospitalization is continuous except for the time necessary for the transfer.

2. Cases not intended to be covered:

- (a) A person who is not hospitalized immediately following release from active duty even though he (she) is hospitalized within 1 year from such release and is subsequently released from such hospitalization, regardless of whether the hospitalization is for less than a year or more than a year.

Senator HILL. I move to be reported with the amendments.

Senator GURNEY. I second the motion.

The CHAIRMAN. All those in favor say "Aye." Opposed, "No."

(The motion was unanimously carried.)

The CHAIRMAN. Thank you, gentlemen.

(Whereupon, at 11:50 a. m., the committee retired into executive session.)





## AMENDING THE SELECTIVE TRAINING AND SERVICE ACT OF 1940, AS AMENDED, TO EXTEND THE TIME WITHIN WHICH APPLICATION MAY BE MADE FOR REEMPLOYMENT

NOVEMBER 27 (legislative day, NOVEMBER 21), 1944.—Ordered to be printed

Mr. HILL, from the Committee on Military Affairs, submitted the following

### REPORT

[To accompany H. R. 5386]

The Committee on Military Affairs, to whom was referred the bill (H. R. 5386) to amend the Selective Training and Service Act of 1940, as amended, to extend the time within which application may be made for reemployment, and for other purposes, having considered the same, report favorably thereon with amendments, and as amended recommend that it do pass.

#### AMENDMENTS

The bill is amended by adding the following new sections:

SEC. 2. Section 3 (b) of Public Resolution 96 of the Seventy-sixth Congress (U. S. C., 1940 ed., Sup. III, Title 50, App., Sec. 401; 54 Stat. 858), as amended, authorizing the President to order members and units of reserve components and retired personnel of the Regular Army into active military service, is further amended by striking out the word "forty" therefrom and substituting the word "ninety" therefor and by adding after the words "relieved from such active duty or service" the following: "or from hospitalization continuing after discharge for a period of not more than one year".

SEC. 3. Section 7 of Public Law 213 of the Seventy-seventh Congress (U. S. C., 1940 ed., Sup. III, Title 50, App., Sec. 357; 55 Stat. 627), the Service Extension Act of 1941, is hereby amended by inserting ", as amended," after the words "Selective Training and Service Act of 1940".

The purpose of the proposed legislation as amended is to extend the time within which members of the armed forces who are released from active duty may apply for restoration in their former civilian employment so as to be entitled to reemployment under the provisions of Public Resolution 96 of the Seventy-sixth Congress, Public Law 783 of the Seventy-sixth Congress, and Public Law 213 of the Seventy-seventh Congress. Additional protection would be afforded to such

members of the armed forces by the proposed legislation in the following two respects:

(1) The 40-day period within which application for reemployment must be made is extended from 40 to 90 days following release from active service.

(2) If hospitalization immediately follows release from active service and does not last for more than 1 year following such release, application for reemployment may be made within 90 days after release from hospitalization.

The amendments adding the two new sections will assure that persons covered by section 3 (b) of Public Resolution 96 of the Seventy-sixth Congress and by section 7 of Public Law 213 of the Seventy-seventh Congress will also have the benefit of the extensions of time within which to apply for reemployment.

On September 11, 1944, in a letter addressed to the President of the Senate, General Hershey recommended the above change, for the following reasons:

Under section 8 of the Selective Service Act, there are several conditions precedent with which the veteran must comply in order to be entitled to employment by his former employer. Two of these conditions precedent are (1) that the veteran be qualified to perform such employment and (2) that he apply to his former employer within 40 days after discharge from the armed forces.

Obviously, a veteran who is hospitalized for more than 40 days following his discharge cannot meet these conditions precedent, and, therefore, under existing provisions of section 8 of the Selective Service Act is not entitled to reemployment benefits. In order to extend the coverage of section 8 to include a veteran who is hospitalized for not more than 1 year after discharge from the armed forces, the Selective Service System hereby respectfully recommends the enactment of the enclosed proposed bill to amend section 8 of the Selective Service Act.

The enclosed amendment, in addition to conferring reemployment rights and benefits to veterans who are hospitalized for not more than 1 year following discharge from the armed forces, increases the time within which a veteran can apply to his former employer for employment from 40 to 90 days following discharge from the armed forces or release from hospitalization subsequent to discharge.

A draft of this letter and the proposed legislation has been submitted to the Bureau of the Budget which has informed us that it has no objection to the submission to you of this proposed legislation. Prior to submission to the Bureau of the Budget, the proposed legislation was approved by Mr. James F. Byrnes, the Director of War Mobilization, and Brig. Gen. Frank T. Hines, the Administrator of Veterans' Affairs.

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Calendar No. 1211

78TH CONGRESS  
2D SESSION

# H. R. 5386

[Report No. 1196]

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## IN THE SENATE OF THE UNITED STATES

SEPTEMBER 19 (legislative day, SEPTEMBER 1), 1944

Read twice and referred to the Committee on Military Affairs

NOVEMBER 27 (legislative day, NOVEMBER 21), 1944

Reported by Mr. HILL, with an amendment

[Insert the part printed in italic]

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## AN ACT

To amend the Selective Training and Service Act of 1940, as amended, to extend the time within which application may be made for reemployment, and for other purposes.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*  
3       That section 8 (b) of the Selective Training and Service  
4       Act of 1940, Public Law 783, Seventy-sixth Congress, ap-  
5       proved September 16, 1940 (50 U. S. C. 308), as  
6       amended, be further amended by striking out the word  
7       “forty” therefrom and substituting the word “ninety”  
8       therefor, and by adding after the words “relieved from  
9       such training and service” the following: “or from hos-

1 pitalization continuing after discharge for a period of not  
2 more than one year”.

3       *SEC. 2. Section 3 (b) of Public Resolution 96 of the*  
4 *Seventy-sixth Congress (U. S. C., 1940 edition, Supp. III,*  
5 *title 50, App., sec. 401; 54 Stat. 858), as amended, author-*  
6 *izing the President to order members and units of reserve*  
7 *components and retired personnel of the Regular Army into*  
8 *active military service, is further amended by striking out*  
9 *the word “forty” therefrom and substituting the word*  
10 *“ninety” therefor and by adding after the words “relieved*  
11 *from such active duty or service” the following: “or from*  
12 *hospitalization continuing after discharge for a period of*  
13 *not more than one year”.*

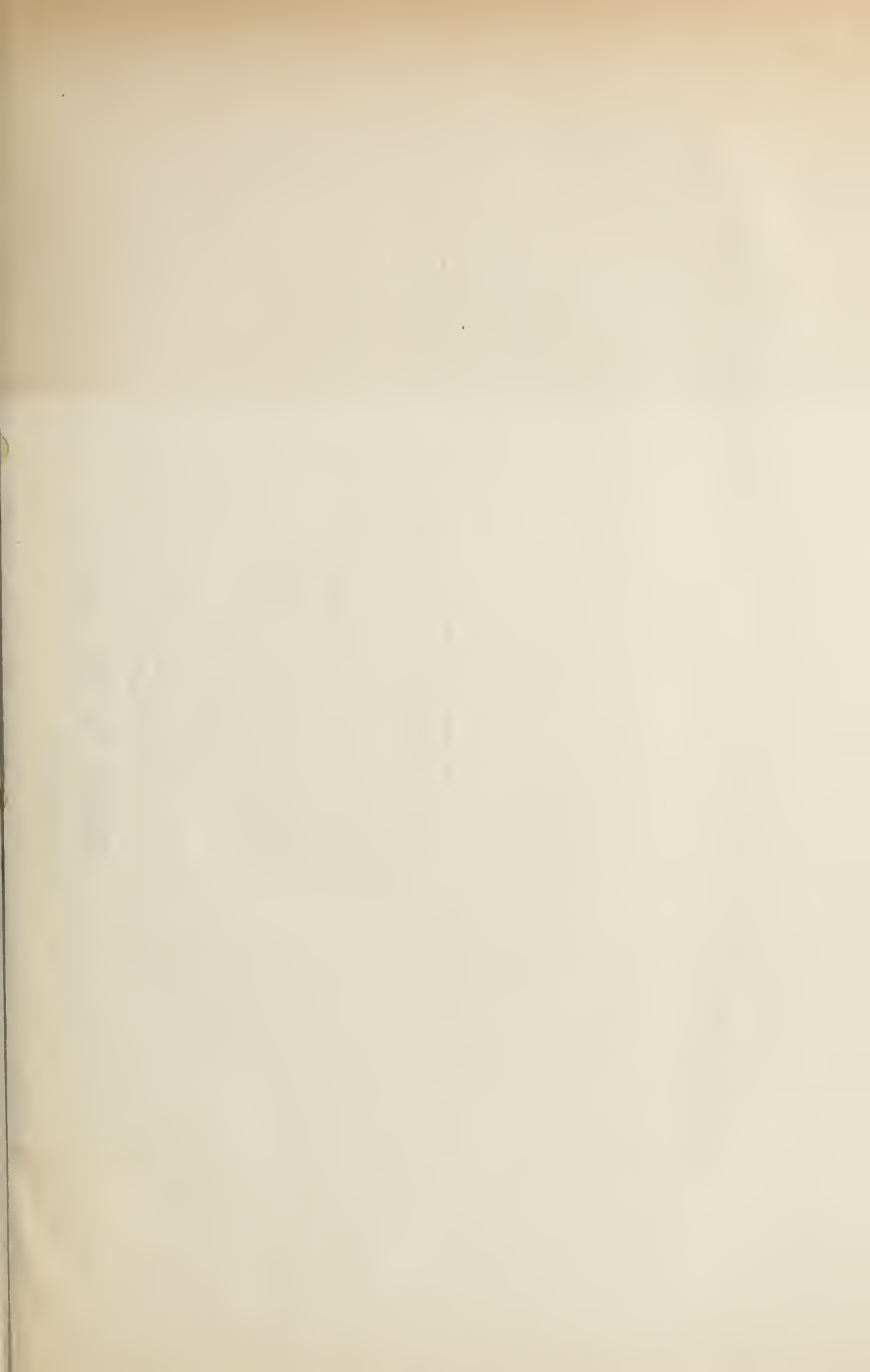
14       *SEC. 3. Section 7 of Public Law 213 of the Seventy-*  
15 *seventh Congress (U. S. C., 1940 edition, Supp. III, title*  
16 *50, App., sec. 357; 55 Stat. 627), the Service Extension*  
17 *Act of 1941, is hereby amended by inserting “, as amended,”*  
18 *after the words “Selective Training and Service Act of*  
19 *1940”.*

Passed the House of Representatives September 18,  
1944.

Attest:

SOUTH TRIMBLE,

Clerk.



Calendar No. 1211

78<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION

**H. R. 5386**

[Report No. 1196]

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## **AN ACT**

To amend the Selective Training and Service Act of 1940, as amended, to extend the time within which application may be made for reemployment, and for other purposes.

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SEPTEMBER 19 (legislative day, SEPTEMBER 1), 1944

Read twice and referred to the Committee on Military

Affairs

NOVEMBER 27 (legislative day, NOVEMBER 21), 1944

Reported with an amendment



1887

1887



deemed to include all reservoirs which are used, or capable of being used, in whole or in part for the conservation, storage, or detention of water, including flood control, or for the reclamation of arid or semiarid lands, and which are located in the States of Arizona, California, Colorado, Idaho, Kansas, Montana, Nebraska, Nevada, New Mexico, North Dakota, Oklahoma, Oregon, South Dakota, Texas, Utah, Washington, and Wyoming: *Provided further*, That all records and property (including office equipment, machinery, supplies, facilities, contracts, and assets of every kind, but excluding property needed in the conduct of military operations) used primarily in the administration of any such functions, powers, duties, and projects shall be transferred to the Department of the Interior for use in connection with the administration of said functions, powers, duties, and projects: *Provided further*, That all civilian personnel engaged primarily in the administration of any such functions, powers, duties, and projects shall be transferred to the Department of the Interior for use in connection with the administration of such functions, powers, duties, and projects. Any of the civilian personnel transferred under this section who are found by the Secretary of the Interior to be in excess of the personnel necessary for efficient administration of the activities covered by this section shall be retransferred under existing law to other positions in the Government service or shall be separated from the service. Any person whose employment is terminated on account of a reduction of personnel resulting from the operation of this order shall, for a period of 1 year from the date of such termination of employment, be given preference, if qualified, whenever an appointment is made in the executive branch of the Government: *Provided further*, That so much of the unexpended balances of appropriations, authorizations, allocations, or other funds heretofore or hereafter made available for use in the administration of any of the functions, powers, duties, and projects transferred by this section (including appropriations, authorizations, allocations, or other funds available for general departmental or staff services used in the administration of any such activity) as shall be determined, upon the basis of the pertinent legislative, budgetary, and administrative apportionments, to be properly subject to utilization in the administration of such functions, powers, duties, or projects shall be transferred to the Department of the Interior for use in connection with the administration of the functions, powers, duties, and projects transferred by this section. The moneys so transferred may include amounts to provide for the liquidation of obligations incurred against such appropriations, authorizations, allocations, or other funds prior to the transfer. No moneys transferred under this provision shall be expended for purposes other than those for which such moneys were appropriated or otherwise originally made available, except to the extent to which their expenditure for other purposes may be authorized by law: *Provided further*, That nothing contained in this section shall impair the validity of any outstanding obligations or contracts of the United States of America or of any department, establishment, or agency thereof: *Provided further*, That all rules, regulations, orders, permits, licenses, privileges, or other like matters made, issued, or granted in pursuance of, or with respect to, any function, power, duty, or project transferred by this section which are in effect at the time of such transfer shall continue in effect to the same extent as if such transfer had not occurred until modified, superseded, or repealed: *Provided further*, That the Director of the Bureau of the Budget shall take such action as may be necessary

or appropriate for the effectuation of the transfers provided for herein, and shall prescribe the date or dates on which such transfers shall become effective. His determinations with respect to the proper allocation of the records, property, personnel, and funds referred to in said sections shall, when approved by the President, be final for the purposes of this act.

Mr. MURRAY. Mr. President, the amendment which I have offered would have the effect of transferring civilian construction under the Corps of Engineers in the West to the Bureau of Reclamation. I shall take a few minutes of the time of the Senate to explain the amendment.

The action which would be taken under the amendment is necessary, first of all, because of the necessity of protecting the interests of the western section of the country against the inroads of a Federal agency which, by law, is not required to obey State statutes.

Acting under the authority of the commerce clause of the Constitution—

Mr. WHITE. Mr. President, will the Senator yield?

Mr. MURRAY. I yield.

Mr. WHITE. I am interested in knowing whether the Senator desires to proceed with the discussion of his amendment and conclude it tonight. Many Senators are absent. I think a quorum would have to be developed before a vote could be taken on the amendment.

Mr. MURRAY. Mr. President, I consider the amendment to be a very important one, and it will take considerable time to present it. It seems to me that it should be carefully considered by Members of the Senate because of its possible effect and because of the great need for it.

Mr. WHITE. I have very great sympathy with the Senator's point of view, not with respect to the amendment, because I do not know what it is, but with respect to procedure.

May I ask the acting majority leader what his plans are for the remainder of the day?

Mr. HILL. Mr. President, if the Senator from Montana will yield to me, I will say to the Senator from Maine that I have just conferred with the senior Senator from Louisiana [Mr. OVERTON], the chairman of the subcommittee in charge of the bill, to ascertain if it be his intention to proceed further with the bill tonight. I shall be glad to have the Senator from Louisiana advise us on that point.

Mr. OVERTON. Mr. President, will the Senator from Montana yield?

Mr. MURRAY. I yield.

Mr. OVERTON. I should be very glad to bring consideration of the bill to a conclusion tonight. It has been before the Senate for many days. I had hoped that we had reached the point where we could vote on final passage of the bill.

I ask the Senator from Montana how much time he expects to consume in the presentation of his amendment.

Mr. MURRAY. I cannot say exactly. I think it will take several hours to present this matter alone. The Senator has heard the amendment read, and he understands its significance. It will re-

quire a very careful explanation, which will take some time, and it seems to me it would be proper to let the matter go over until tomorrow.

Mr. WHITE. Has the particular amendment which has been read at the desk been printed?

Mr. MURRAY. No; it has not been printed. It is a lengthy and complicated amendment.

Mr. WHITE. I suggest whether Senators are not entitled to have the printed text before them before they listen to a discussion of the amendment.

Mr. OVERTON. Of course, that presents another matter; namely, Shall we delay consideration of the bill because Senators are late in offering their amendments, and we have to recess until the next day in order that the amendments may be printed? That course could be pursued indefinitely, from day to day.

Mr. WHITE. Of course, the Senator is quite right.

Mr. OVERTON. May I ask, would the Senator from Montana have hesitancy in advising whether this is the only amendment he has?

Mr. MURRAY. I have several other amendments.

Mr. OVERTON. About how long does the Senator think it would take to dispose of them?

Mr. MURRAY. It seems to me the legislation proposed is the most important which will come before the Congress during the continuation of this session. It proposes to set up a program involving the appropriation of billions of dollars, and the projects which are included in this program are not defined in the proposal. To ascertain what the projects are it is necessary to look at separate documents. Projects are sought to be incorporated in the pending bill by mere reference to certain documents, which are not printed in the proposed legislation at all, and it is impossible for anyone on the floor of the Senate to know what the projects are. Yet, it is proposed to spend billions of dollars in constructing the projects, and they are based upon what is known as an interim report, which means that the report is not conclusive, and that the projects can be amended and changed after they are authorized, and the amount of money which will be spent on them may be doubled before we get through with them.

Mr. OVERTON. Of course, the Senator understands that all the projects now in the measure have been authorized in the bill which passed the House and in the committee amendments.

Mr. MURRAY. Yes; but we have not voted on it yet.

Mr. OVERTON. Yes; we voted.

Mr. MURRAY. I mean we have not voted on the bill.

Mr. OVERTON. No; we have not voted on the bill.

Mr. MURRAY. Senators should know what they vote on when they vote.

Mr. OVERTON. I think they did.

Mr. MURRAY. No. I ask Senators to explain to me what they were voting for when they voted for the matter on line 17, page 31, which refers to House Document Numbered 649, Seventy-eighth



Congress, second session. Who has read that? Who knows what is in it? I should like to have some Senators tell me they have read that and understand exactly what it means. Members of the committee may have done so.

Mr. OVERTON. The Senator has been a Member of the Senate for a number of years, at least sufficiently long to have seen several flood-control bills passed. On second thought, I do not know that he has, because the last one was passed in 1941. But for many years, in connection with river and harbor bills and flood-control bills, the course has not been to reproduce an entire report in the bill, but simply to refer to the report, which is printed and available to all Senators and, if they are interested, they can read it. Then the projects are authorized pursuant to the report. There could not very well be any other legislative process.

Answering the Senator from Alabama, from the information given me by the Senator from Montana, I doubt very seriously, at least I entertain some doubt, that we could complete the consideration of the bill this evening.

Mr. HILL. If that be true, and it is agreeable to the Senator from Louisiana and the Senator from Montana, since we have one or two minor matters to dispose of, I suggest we may proceed to dispose of them and then recess until tomorrow.

Mr. MURRAY. That will be satisfactory.

The PRESIDING OFFICER. Does the Senator from Montana yield the floor?

Mr. MURRAY. I ask the privilege of having the floor when we resume tomorrow.

The PRESIDING OFFICER. In the opinion of the Chair the Senator would not have any difficulty in obtaining the floor.

Mr. MURRAY. I yield the floor.

#### CONFIRMATION OF NOMINATION OF COMMISSIONER GUY MASON—EDITORIAL FROM WASHINGTON EVENING STAR

Mr. BILBO. Mr. President, the Government Printing Office prints about 50,000 copies of the CONGRESSIONAL RECORD. It is sent to every nook and corner of the Republic, and no doubt millions of the citizens of this country read that important document, the CONGRESSIONAL RECORD.

In justice to those who voted for the confirmation of Mr. Guy Mason yesterday to be a Commissioner of the District of Columbia, I wish to include as a part of my remarks an editorial from the Evening Star of today which sums up, in a very effective and conclusive way, all that was said on the floor in this controversy.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

#### MR. MASON CONFIRMED

There is not the slightest doubt that the Senate vote to confirm Guy Mason for a second term as District Commissioner is in line with the wishes of the people of the District and fully consistent with his own record in public office.

The opposition to Mr. Mason's reappointment grew out of the investigation by a Senate subcommittee last year of Gallinger Hospital, which comes under his jurisdiction as a District Commissioner. Many undesirable conditions were found, and the necessity for improvement was affirmatively established. But to suggest, as was done in Senate debate yesterday, that the evidence taken by the subcommittee reflected conditions of "savagery, cruelty, and barbarity" in the hospital is a fantastic distortion of the testimony submitted to the investigating group. The fact is, as Senator O'MAHONEY pointed out, that the real responsibility for neglect at Gallinger—if there has been neglect—rests with Congress and not with Mr. Mason.

What the subcommittee did was to base its highly critical report on selected bits of testimony, much of which was of a highly dubious character, and to ignore the evidence submitted by responsible witnesses. For example, the chairman of the subcommittee prevailed upon the Assistant Surgeon General of the Public Health Service to make an independent investigation of Gallinger. His report was favorable to the hospital, but it was ignored by the subcommittee in making public its findings.

All of the individuals singled out for denunciation in the report have since been vindicated in one way or another. This is especially true of Mr. Mason, whose vindication has taken the form of an impressive expression of public confidence in him, renomination by the President, and confirmation by the Senate. The favorable decision will be welcomed by the unrepresented citizens of Washington, who know that Mr. Mason has worked hard in their behalf in the past and who have every expectation that he will continue to do so in the future.

#### APPLICATIONS FOR REEMPLOYMENT BY DISCHARGED MEMBERS OF THE ARMED FORCES

Mr. HILL. Mr. President, the Senate will recall that when Congress passed the Selective Service Act in 1940, it provided that men entering or being inducted into the armed services should have the right to get back the jobs which they held at the time of their entrance or induction into the service, provided they made application within 40 days from the time they were discharged.

As the Senate knows, of course, there are some men now leaving the armed services, most of them because of physical condition. The Selective Service Administration, now charged with the administration of this provision of law, finds that the 40-day period is too short a time. Particularly is it too short a period when a discharged member of the armed services must be hospitalized, or finds himself in the hospital at the time he is discharged.

Therefore, the House of Representatives has unanimously passed a bill to change the period from 40 days to 90 days, and to provide that if a discharged member of the armed services is in a hospital, provided he does not remain in the hospital for more than a year, the 90-day time shall not begin to run until the termination of his hospitalization.

That bill was passed by the House, as I have said, unanimously. It has been reported unanimously by the Senate Committee on Military Affairs, and I now wish to ask, Mr. President, that the unfinished business be temporarily laid

aside, and that the Senate proceed to consider House bill 5386.

The PRESIDING OFFICER. Is there objection to the request made by the Senator from Alabama?

Mr. WHITE. Mr. President, the Senator from Alabama called this matter to my attention earlier in the day, and I took opportunity to consult with such minority members of the Military Affairs Committee as I could. I talked with the senior Senator from Vermont [Mr. AUSTIN] and the senior Senator from South Dakota [Mr. GURNEY], as well as with the Senator from Massachusetts [Mr. WEEKS], who is I believe, not a member of the Military Affairs Committee, but who is always interested in military matters, as well as in other matters, and I find complete unanimity with respect to the bill. I have no objection to the request made by the Senator from Alabama.

The PRESIDING OFFICER. Is there objection to the request made by the Senator from Alabama that the pending bill be temporarily laid aside and that the Senate proceed to consider House bill 5386?

There being no objection, the Senate proceeded to consider the bill (H. R. 5386) to amend the Selective Training and Service Act of 1940, as amended, to extend the time within which application may be made for reemployment, and for other purposes, which had been reported from the Committee on Military Affairs with amendments.

The first amendment was on page 2, after line 2, to insert the following:

SEC. 2. Section 3 (b) of Public Resolution 96 of the Seventy-sixth Congress (U. S. C., 1940 ed., Supp. III, title 50, App., sec. 401; 54 Stat. 858), as amended, authorizing the President to order members and units of reserve components and retired personnel of the Regular Army into active military service, is further amended by striking out the word "forty" therefrom and substituting the word "ninety" therefor and by adding after the words "relieved from such active duty or service" the following: "or from hospitalization continuing after discharge for a period of not more than 1 year."

The amendment was agreed to.

The next amendment was, to insert a further section, as follows:

SEC. 3. Section 7 of Public Law 213 of the Seventy-seventh Congress (U. S. C., 1940 ed., Supp. III, title 50, App., sec. 357; 55 Stat. 627), the Service Extension Act of 1941, is hereby amended by inserting "as amended," after the words "Selective Training and Service Act of 1940."

The amendment was agreed to.

The amendments were ordered to be engrossed and the bill to be read the third time.

The bill H. R. 5386 was read the third time and passed.

#### EXECUTIVE SESSION

Mr. HILL. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business.







debate on this amendment and all amendments thereto close in 7 minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. WRIGHT. Mr. Chairman, I move to strike out the last two words.

Mr. Chairman, I will be happy to yield to the gentleman from Alabama if he will answer a question concerning a matter which is disturbing me. Section 9 of this amendment provides that the district courts are given jurisdiction to enjoin or set aside any order suspending any priority or allocation. It would strike me in the situation described by our friend, the gentleman from Missouri [Mr. COCHRAN] that language might be broad enough to cover appeals to court of the industries involved. I certainly would hate to see all of these plants tying up the allocation of vital materials by appeals to judges who, although they undoubtedly are very learned lawyers, nevertheless, are not military men, nor industrial men, and therefore would not have the expert knowledge to make decisions concerning the waging of war.

Mr. HOBBS. Of course you would, sir, and so would we. I have tried in my remarks, to make clear that proposed section 9 would apply to only one, and that the smallest, of the three classes of so-called appeals. There are thousands upon thousands of the other two classes to one of this class. This amendment deals solely with suspension orders; what they are pleased to call sanctions or punishment; with reference to which we say, that when the accusing finger is pointed at anyone charging expressly, or by implication, that our war effort is being hurt by misappropriating war material, then the accused should have the right to his day in court so that the accuser may not be also the only judge. Such a court review would vindicate the accused only if innocent, not if guilty of using aluminum allocated for airplanes for making juke boxes.

Mr. WRIGHT. The language is rather broad. I hope it will be construed as the gentleman says it will be.

Mr. HOBBS. Mr. Chairman, the language is all right. Of course, the vice in this amendment offered by my friend, the gentleman from Iowa [Mr. GWYNNE] is that he has a joker in it which says sanctions to be imposed must be specifically authorized by law or delegation, when he knows that all the powers in the Second War Powers Act are conveyed in four or five lines and there is no specific authorization of any such thing.

Mr. MAY. Mr. Chairman, will the gentleman from Pennsylvania yield to allow me to propound a question to the gentleman from Alabama [Mr. HOBBS]?

Mr. WRIGHT. I yield.

Mr. MAY. I wish the gentleman from Alabama would, if he can, explain just exactly the material difference in the amendment which the committee brings in here to title 3 of the Second War Powers Act. In what respect is it a change from the original act?

Mr. HOBBS. There was not anything like that in the original act at all.

Mr. MAY. There was no right to go to the courts at all?

Mr. HOBBS. There was no right to go to the courts at all given in the act.

Mr. SUMNERS of Texas. It was a substantive right.

Mr. HOBBS. However, there was nothing in the act at all, although it is a matter of substantive law.

Mr. FOLGER. Mr. Chairman, I offer an amendment to the committee amendment which I send to the Clerk's desk.

The Clerk read as follows:

Amendment offered by Mr. FOLGER: On page 2, line 15, after the word "authority" strike out the period and insert a semicolon and add the following: "unless such order of suspension as to priority grant or allocations is the result of a determined general requirement to the effective prosecution of the war."

Mr. FOLGER. Mr. Chairman, it is mighty hard for me to go along with this amendment at all, and it is likewise difficult for me to go against it. I refer to the main committee amendment. I think any legislation of this kind at this critical period of the war is exceedingly dangerous. With great respect I suggest that it is not timely. There is no use to predict or undertake to prophesy how long this war will last, either in Germany or Japan.

I am convinced that, while we think just as much as we can think of the citizen's private rights, the greatest privilege and guaranty he has that those rights will be substantially maintained after the war is over is our disposition to try to take care of the public welfare, in view of the fact that we are in the midst of a war.

The gentleman from Missouri [Mr. COCHRAN], with whose ideas I am in very definite accord, asked the question why something is not put in here to guarantee that this will not interfere with the war effort. The amendment which I am proposing gives this authority of law as contained in the committee amendment, unless such order of suspension as to prior grants or allocations is the result of a determined general requirement to the effectual prosecution of the war, in which event such proceeding would have to yield to the requirements found, that it would be too dangerous to stop and take 5 days and then 10 days, and then 3 months, and perhaps 6 months or a year to settle this whole matter as to the individual right of some man to continue to have certain allocations of materials that he does not want to surrender. I am not suggesting any particular person. I have nobody in mind, but any person could be so obstinate as to carry it to the Supreme Court of the United States while the war is on, with Eisenhower and MacArthur calling for the munitions and planes and guns, which require this very material that we have got suspended between heaven and earth, to protect some private right.

Mr. MAY. Will the gentleman yield?

Mr. FOLGER. I yield.

Mr. MAY. Does not the gentleman think that in view of the fact that the original act made no provision for application to the courts, and that this does provide for injunctive proceedings in the courts, the courts would construe it as the intent of Congress to delay these things from time to time?

Mr. FOLGER. My answer to that is, it is the intent of Congress if it is adopted. We are all in sympathy with the idea that gave rise to the proposal of this amendment to the Second War Powers Act, but we must go back and say that you cannot do that if it is predetermined that the suspension is a general requirement to the prosecution of the war.

Mr. WALTER. Will the gentleman yield?

Mr. FOLGER. I yield.

Mr. WALTER. I would like to call the gentleman's attention to the fact that in the type of case he just described, the agency could go into court and secure an injunction against the citizen who is doing the things that the gentleman said might be done.

Mr. FOLGER. With all the rights of appeal and different procedures that would be necessary and the time that might be required for final determination, with the differences of opinion of many men as to what ought to be done and what ought not be done, this safeguard to protect our war program should be provided. I think we are not through with the war. I just think they are fighting over in Germany today. I just think they have got 27 men in this country trying to impress upon our people that we are in danger because we do not have the implements of war with which to fight—the danger of prolonging the war.

The CHAIRMAN. The time of the gentleman from North Carolina [Mr. FOLGER] has expired.

All time has expired.

Mr. COCHRAN. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. COCHRAN. Am I correct that the first vote will come on the amendment offered by the gentleman from Iowa [Mr. GWYNNE]?

The CHAIRMAN. The first vote will come on the amendment offered by the gentleman from North Carolina to the committee amendment.

Mr. COCHRAN. And then following that will be the vote on the amendment offered by the gentleman from Iowa?

The CHAIRMAN. That is the situation.

Mr. COCHRAN. And if that is defeated then the vote comes on the committee amendment.

Mr. THOMASON. Mr. Chairman, I rise in opposition to the amendment.

The CHAIRMAN. The time for debate was fixed by unanimous consent on the committee amendment and all amendments thereto. The time agreed upon has expired.

Mr. THOMASON. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. THOMASON. Do I understand that all debate is concluded now on the committee amendment as well as the amendments thereto?

The CHAIRMAN. Yes.

Mr. THOMASON. And there may be no further debate on any section of the bill?



The CHAIRMAN. Only by unanimous consent. The request was that the debate on the pending amendment and all amendments thereto be limited to 7 minutes.

The question is on the amendment offered by the gentleman from North Carolina.

The question was taken; and on a division (demanded by Mr. FOLGER) there were—ayes 7, noes 95.

So the amendment was rejected.

The CHAIRMAN. The question recurs on the substitute offered by the gentleman from Iowa to the pending committee amendment.

The question was taken; and on a division (demanded by Mr. GWYNNE) there were—ayes 49, noes 57.

So the substitute was rejected.

The CHAIRMAN. The question recurs on the committee amendment.

The committee amendment was agreed to.

The CHAIRMAN. Under the rules, the Committee rises.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. CLARK, Chairman of the Committee of the Whole House on the state of the Union, reported that that Committee having had under consideration the bill (H. R. 4993) to amend Public, No. 507, Seventy-seventh Congress, second session, an act to further expedite the prosecution of the war, approved March 27, 1942, known as the Second War Powers Act, 1942, pursuant to House Resolution 660, he reported the same back to the House with sundry amendments adopted in the Committee of the Whole.

The SPEAKER. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment? If not, the Chair will put them in gross.

The amendments were agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

#### GENERAL LEAVE TO EXTEND REMARKS

Mr. HOBBS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the bill just passed.

The SPEAKER. Is there objection to the request of the gentleman from Alabama?

There was no objection.

#### PERMISSION TO ADDRESS THE HOUSE

Mr. MICHENER. Mr. Speaker, I ask unanimous consent that on tomorrow, after disposition of business on the Speaker's desk and at the conclusion of any special orders heretofore entered, the gentleman from Massachusetts [Mr. WIGGLESWORTH] may address the House for 30 minutes.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

#### MEETING OF COMMITTEE ON INDIAN AFFAIRS

Mr. MUNDT. Mr. Speaker, on Monday next at 10 o'clock the Special Com-

mittee on Indian Affairs will begin hearings in its committee room. I ask unanimous consent to extend my remarks in the RECORD and to include an announcement of that fact, together with copy of a letter sent to Commissioner Collier.

The SPEAKER. Is there objection to the request of the gentleman from South Dakota [Mr. MUNDT]?

There was no objection.

[The matter referred to appears in the Appendix.]

#### PERMISSION TO ADDRESS THE HOUSE

Mr. GILCHRIST. Mr. Speaker, I ask unanimous consent to address the House in order to make an announcement.

The SPEAKER. Is there objection to the request of the gentleman from Iowa [Mr. GILCHRIST]?

There was no objection.

#### THE LATE EDWARD C. EICHER

Mr. GILCHRIST. Mr. Speaker, the noon papers today carry news of the sudden death of Justice Edward C. Eicher, of Iowa, in his sleep during the night at his home in Alexandria.

Mr. Eicher was a Member of the Seventy-third, Seventy-fourth, and Seventy-fifth Congresses. During his membership in Congress he was very active in many things but especially so in getting the approval of the Congress to and securing the passage of what is known as the death-penalty clause for certain utility holding corporations. This gave him fame and public recognition throughout the whole country. Upon his leaving the Congress he was appointed a member of the Securities and Exchange Commission, after which he was appointed as a justice of the Federal District Court here in the District of Columbia.

Justice Eicher was presently engaged in presiding at the trial of the so-called sedition case that has been going on for several months. I knew him and served with him in Congress as many of you did. There has not been a case in the history of this country, that I can recall, which has been so difficult to preside over as that particular case to which I just referred. He was at his post and in court yesterday and he died like a soldier on the field, doing his duty and rendering his service in presiding over this particularly difficult case.

I understand at the start of this trial there were about 59 lawyers engaged in defending the case and, as I read the account of it in the newspapers, they all seemed to be trying to make trouble and to find fault with the presiding judge and to see if they could inject into the case some prejudicial error upon which an appeal might be founded. Edward Eicher sat there and presided over that trial and preserved order and judicial decorum as best he could for months and months. He was a man whom we all loved, a man who did his duty as he saw it, a man who did not have what the doctors call the hygiene of repose. He was an indefatigable worker and always active while a Member of this body, and he was the advocate and author of much worth-while legislation. He did his duty in helping to enact into law measures of great and lasting value to the country. He was given acclaim for

having done so. The country this morning has lost a great jurist, a great man, and a great legislator in the person of Edward Eicher, of Iowa. But first of all he was a great friend and we all regret his passing.

(Mr. GILCHRIST asked and was given permission to revise and extend his remarks.)

#### EXTENSION OF REMARKS

Mr. GILLIE. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD and include a resolution as well as an editorial from the Fort Wayne News-Sentinel.

The SPEAKER. Is there objection to the request of the gentleman from Indiana?

There was no objection.

[The matter referred to appears in the Appendix.]

#### AMENDMENT OF SELECTIVE TRAINING AND SERVICE ACT OF 1940

Mr. MAY. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H. R. 5386) to amend the Selective Training and Service Act of 1940, as amended, to extend the time within which application may be made for reemployment, and for other purposes, with Senate amendments thereto, and concur in the Senate amendments.

The Clerk read the title of the bill.

The Clerk read the Senate amendments, as follows:

After line 11, insert:

"Sec. 2. Section 3 (b) of Public Resolution 96 of the Seventy-sixth Congress (U. S. C., 1940 ed. Supp. III, title 50, App., secs. 401; 54 Stat. 858), as amended, authorizing the President to order members and units of reserve components and retired personnel of the Regular Army into active military service, is further amended by striking out the word 'forty' therefrom and substituting the word 'ninety' therefor and by adding after the words 'relieved from such active duty or service' the following: 'or from hospitalization continuing after discharge for a period of not more than 1 year.'"

After line 11, insert:

"Sec. 3. Section 7 of Public Law 213 of the Seventy-seventh Congress (U. S. C., 1940 ed. Supp. III, title 50, App., sec. 357; 55 Stat. 627), the Service Extension Act of 1941, is hereby amended by inserting 'as amended,' after the words 'Selective Training and Service Act of 1940.'"

The SPEAKER. Is there objection to the request of the gentleman from Kentucky?

Mr. MARTIN of Massachusetts. Mr. Speaker, reserving the right to objection, I understand these amendments are merely expanding the legislation and taking in other groups that should be included.

Mr. MAY. That is exactly right.

Mr. MARTIN of Massachusetts. For the benefit of the House, will the gentleman explain the amendments?

Mr. MAY. What happened was this: H. R. 5386 was passed by unanimous consent without hearings, and it went to the Senate, but did not contain any reference to the National Guard or those who were taken in under the Selective Training and Service Act after it was extended. The bill as amended by the Senate takes care of not only those who



are retired but the National Guard and the Reserve Corps that may be called in, and also retired officers that are recalled, as well as those who are discharged and stay in a hospital more than 90 days; in other words, so long as they are in the hospital they cannot apply for a job, but when the time comes that they can be released from the hospital, then they have 90 days from that time on.

Mr. MARTIN of Massachusetts. Ninety days after they leave the hospital?

Mr. MAY. Yes; not exceeding a year.

Mr. MARTIN of Massachusetts. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

The Senate amendments were concurred in.

A motion to reconsider was laid on the table.

Mr. McCORMACK. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD at this point in connection with the bill, the Senate amendments to which have just been concurred in.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mr. McCORMACK. Mr. Speaker, I believe it is appropriate in connection with this legislation for me to comment briefly about the veterans' assistance program of the Selective Service System. The President of the United States has recently seen fit to commend personnel of the Selective Service System for the splendid work it has already done in mobilizing the many millions of men for our armed forces. In addition to such commendation, President Roosevelt had the following to say concerning the reemployment functions of representatives of the Selective Service System:

But there is another important task which must be discharged with equal efficiency by the Selective Service System. That is to assist the veteran in obtaining reemployment on discharge from the armed forces. It also is a task for which you have prepared and in which your interest is fundamental.

As our veterans return to their homes and their families, they must be relocated in the civilian activities of their communities as advantageously as possible. They are your neighbors and you, members of the Selective Service local boards and reemployment committeemen, have that intimate knowledge of their civilian experience, of their capabilities as well as desires, together with an understanding of local conditions, vitally required for their proper reemployment upon return to civilian life. And I am sure you will do your part equally well in assisting the veteran to obtain reemployment upon his return from the armed forces.

Although we must concentrate our efforts on winning the war at the earliest possible moment, which will require the Selective Service System to continue to concentrate its efforts on manpower mobilization, preparations must be made for the benefit of returning veterans to such an extent as will not adversely affect the war effort. In order to assure that re-

turning veterans will be reemployed in their former jobs or will be furnished with new jobs, a tremendous national effort on the part of all citizens in every community of the Nation will be required. I, therefore, heartily concur with the substance of President Roosevelt's statement in which he recognizes the important part which Selective Service local board members and other personnel must undertake in assisting the veteran.

The bulwark of the Selective Service System consists of 6,500 local boards, at least one in every county of every State. It is important to note that each local board in every community consists of a well-balanced team of both compensated and uncompensated personnel. Although we have praised the splendid work performed by this uncompensated personnel, we cannot praise them sufficiently. However, I do not believe we have given sufficient recognition to the local board compensated personnel, which, after all, is a very important and indispensable part of the local board team. This compensated personnel in addition to the uncompensated local board members have now been a going concern for over 4 years. In the course of their service, both the paid and unpaid personnel have been in close personal contact with the millions of men who have become members of the armed forces. They necessarily already have the most confidential and complete information available about those men, including information concerning their mental, physical, family, financial, and occupational status. Having selected these men for military or naval service, while at the same time deferring or exempting others, the local board personnel naturally have a deep feeling of responsibility toward the men they have sent into battle. In view of that responsibility and in view of the confidential relationship and information, each of these local boards is a unit already in existence which is well qualified in itself to perform most valuable employment services in behalf of the veteran and also to activate the enthusiastic support of other persons and organizations in every community.

In view of the confidential information which the local board clerks and members already have in their possession, and in view of the confidential relationship that already exists between the local board personnel and the members of the armed forces, when the veteran returns it will be very natural and easy for him to discuss his affairs with local board personnel, much more so than with persons who do not already have such information and such a relationship with him. This is of utmost importance, particularly in cases of men released for mental or psychological difficulties.

There are many other factors involved, and there is much more that can and should be said about this subject. I believe that such action should be taken as may be necessary to assure the continued assistance of these local boards and of the selective-service personnel on behalf of the returning veterans, at least until such time as demobilization has been substantially completed and the veterans

are satisfactorily reemployed in their former or new jobs.

#### EXTENSION OF REMARKS

Mr. VOORHIS of California. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD at this point.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. VOORHIS of California. Mr. Speaker, the news has just come through that Assistant Attorney General Norman Littell has been removed from his office by action of the President. I can readily understand the difficult position in which the President has been placed by this whole matter. But the reason given is "insubordination," which is based upon the issuance of Littell's statement giving his reasons for refusal to resign.

However, Littell issued no statement himself, but on the contrary, the statement was requested of him by the Senate War Investigating Committee and released by that committee.

Further than that, whatever may have been the personal incompatibility between the Attorney General and Mr. Littell, of one thing I am sure—Littell has conducted himself as a fearless, conscientious, forthright, and thoroughly honest public servant and has repeatedly resisted special influences in connection with his work as head of the Lands Division.

In my opinion, by insisting upon giving the Congress the full facts in connection with one thorny problem after another, he had rendered a signal service to the Nation. This was true in the case of Elk Hills, surplus-lands disposal, and in a number of other instances.

It seems to me one question involved here and one in which the Congress should have a deep interest, is whether a Government official is to be penalized for being too forthright in his statements to the Congress itself.

For these reasons I have today introduced a simple resolution providing for an investigation of all the circumstances surrounding Mr. Littell's dismissal. My resolution provides for the investigation to be made by the Judiciary Committee, since it is clearly a matter that belongs within the jurisdiction of that committee.

#### THE LATE EDWARD CLAYTON EICHER

The SPEAKER. The Chair recognizes the gentleman from Iowa (Mr. MARTIN).

Mr. MARTIN of Iowa. Mr. Speaker, word has just come to me this afternoon of the death of the Honorable Edward Clayton Eicher, chief justice of the District Court for the District of Columbia. Judge Eicher was my immediate predecessor in Congress. He represented the First District of Iowa in the Seventy-third, Seventy-fourth, and Seventy-fifth Congresses, and received the Democratic nomination unopposed for his fourth term in June 1938. I received the Republican nomination at the same time, but Mr. Eicher withdrew his candidacy July 1, 1938, and resigned his seat in Congress in December 1938 to accept an



appointment on the Securities and Exchange Commission. Later he was promoted to the chairmanship of the Securities and Exchange Commission, in which capacity he served until his appointment as chief justice of the United States District Court for the District of Columbia. During his service in Congress, Mr. Eicher was a member of the Interstate and Foreign Commerce Committee and took a leading part in legislation coming before that committee for consideration.

It is with profound sorrow that we have learned of Judge Eicher's untimely passing away in the midst of his work as chief justice of the District court. He attended to his arduous duties as chief justice only yesterday, and his passing away was wholly unexpected and is a shock to his host of friends and neighbors and his many former associates here in Congress, all of whom have always held him in highest esteem. Our deepest sympathy goes out to his widow and daughter in their bereavement.

#### CORRECTION OF THE RECORD

Mr. SMITH of Ohio. Mr. Speaker, in the RECORD of November 29, on page 8696, at the bottom of the first column, certain remarks are attributed to the gentleman from Oregon [Mr. MORT] which were actually made by me. The remarks I made begin:

The amendment which provides for starting this proposed Federal-aid road program in 1945, regardless of the status of the war, certainly does not help this measure—

That and the two following paragraphs should be credited to me. I ask unanimous consent that the permanent RECORD be corrected accordingly.

The SPEAKER. Is there objection to the request of the gentleman from Ohio? There was no objection.

#### EXTENSION OF REMARKS

Mr. KEFAUVER. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD and include an editorial.

The SPEAKER. Is there objection to the request of the gentleman from Tennessee?

There was no objection.

[The matter referred to appears in the Appendix.]

Mr. DURHAM. Mr. Speaker, last week I secured permission to extend my remarks and include a historical address by Dr. Archibald Henderson. This has been returned to me by the Government Printing Office with a report that it exceeds two pages and will cost \$138.80.

Notwithstanding the cost, I ask unanimous consent that it may be extended in the Appendix of the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

[The matter referred to appears in the Appendix.]

#### ADJOURNMENT

Mrs. NORTON. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 2 o'clock and 58 minutes p. m.) the House adjourned until tomorrow, Friday, December 1, 1944, at 12 o'clock noon.

#### COMMITTEE HEARINGS

##### COMMITTEE ON THE JUDICIARY

(Friday, December 1, 1944, also Saturday, December 2, 1944)

Beginning at 10 a. m., December 1, and December 2, 1944, the Committee on the Judiciary will continue public hearings on the various proposals to amend the Constitution to permit ratification of treaties by a majority vote of the House and the Senate. The resolutions are House Joint Resolution 6, House Joint Resolution 31; House Joint Resolution 64, House Joint Resolution 238, House Joint Resolution 246, House Joint Resolution 264. Hearings will be held in the Committee Judiciary Room, 346 House Office Building.

##### COMMITTEE ON REVISION OF THE LAWS

(Wednesday, December 6, 1944)

The committee will hold a hearing on Wednesday, December 6, 1944, at 10 a. m., in the committee room of the Committee on Agriculture, to consider H. R. 5450, to revise and codify the criminal laws of the United States and to hold public hearings thereon.

#### EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

2044. A communication from the President of the United States, transmitting a proposed provision relating to a judgment rendered by the Court of Claims (H. Doc. No. 787); to the Committee on Appropriations and ordered to be printed.

2045. A communication from the President of the United States, transmitting an estimate of appropriation under the Treasury Department for payment of a certain claim allowed by the General Accounting Office, covering a judgment rendered in a United States district court, amounting to \$591.19 (H. Doc. No. 788); to the Committee on Appropriations and ordered to be printed.

2046. A communication from the President of the United States, transmitting an estimate of appropriation submitted by the Department of Justice to pay a claim for damages in the sum of \$50, which has been considered and adjusted under the provisions of the act of March 20, 1936 (31 U. S. C. 224b), and requires an appropriation for its payment (H. Doc. No. 789); to the Committee on Appropriations and ordered to be printed.

2047. A communication from the President of the United States, transmitting an estimate of appropriation for payment of judgments rendered against the Government by United States district courts, amounting to \$41,227.01, together with an indefinite appropriation to pay interest (H. Doc. No. 790); to the Committee on Appropriations and ordered to be printed.

2048. A communication from the President of the United States, transmitting an estimate of appropriation submitted by the Navy Department to pay claims for damages by collision or damages incident to the operation of vessels of the Navy, in the sum of \$13,605.50, which have been considered and adjusted under the provisions of the act of December 28, 1922 (34 U. S. C. 599), and which require an appropriation for their payment (H. Doc. No. 791); to the Committee on Appropriations and ordered to be printed.

2049. A communication from the President of the United States transmitting records of judgments rendered against the Government by United States district courts as submitted by the Department of Justice through the Treasury Department, and which require an appropriation of \$13,327.47, together with an indefinite appropriation to pay interest (H. Doc. No. 792); to the Committee on Appropriations and ordered to be printed.

2050. A communication from the President of the United States, transmitting a draft of a proposed provision pertaining to an appropriation for the Department of Agriculture for the fiscal years 1944 and 1945 (H. Doc. No. 793); to the Committee on Appropriations and ordered to be printed.

2051. A communication from the President of the United States, transmitting an estimate of appropriation submitted by the Public Roads Administration to pay claims for damage to roads and highways of States or their subdivisions, in the sum of \$417,910.29 (H. Doc. No. 794); to the Committee on Appropriations and ordered to be printed.

2052. A communication from the President of the United States, transmitting herewith an estimate of appropriation submitted by the War Department to pay claims for damages to or loss or destruction of property or personal injury or death, in the sum of \$276,702.96 (H. Doc. No. 795); to the Committee on Appropriations and ordered to be printed.

2053. A communication from the President of the United States, transmitting herewith an estimate of appropriation submitted by the Federal Security Agency to pay a claim for damages by collision or damages incident to the operation of vessels of the Public Health Service, in the sum of \$66.99 (H. Doc. No. 796); to the Committee on Appropriations and ordered to be printed.

2054. A communication from the President of the United States, transmitting herewith a schedule of judgments rendered by the Court of Claims which has been submitted by the Treasury Department and requires an appropriation for payment, amounting to \$225,278.24 (H. Doc. No. 797); to the Committee on Appropriations and ordered to be printed.

2055. A communication from the President of the United States, transmitting herewith an estimate of appropriation submitted by the Navy Department to pay claims for damages by collision or damages incident to the operation of vessels of the United States Coast Guard, in the sum of \$523.06 (H. Doc. No. 798); to the Committee on Appropriations and ordered to be printed.

2056. A communication from the President of the United States, transmitting estimates of appropriation amounting to \$21,311,025.58 to cover claims allowed by the General Accounting Office and for the services of the several departments and independent establishments (H. Doc. No. 799); to the Committee on Appropriations and ordered to be printed.

2057. A communication from the President of the United States, transmitting estimates of appropriations submitted by the several executive departments and independent establishments to pay claims for damages to privately owned property, in the sum of \$95,222.02 (H. Doc. No. 800); to the Committee on Appropriations and ordered to be printed.

#### REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. VINSON of Georgia: Committee on Naval Affairs. S. 1801. An act to authorize the Secretary of the Navy to convey to the Virginian Railway Co., a corporation, for







[PUBLIC LAW 473—78TH CONGRESS]

[CHAPTER 548—2D SESSION]

[H. R. 5386]

AN ACT

To amend the Selective Training and Service Act of 1940, as amended, to extend the time within which application may be made for reemployment, and for other purposes.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That section 8 (b) of the Selective Training and Service Act of 1940, Public Law 783, Seventy-sixth Congress, approved September 16, 1940 (50 U. S. C. 308), as amended, be further amended by striking out the word "forty" therefrom and substituting the word "ninety" therefor, and by adding after the words "relieved from such training and service" the following: "or from hospitalization continuing after discharge for a period of not more than one year".

SEC. 2. Section 3 (b) of Public Resolution 96 of the Seventy-sixth Congress (U. S. C., 1940 edition, Supp. III, title 50, App., sec. 401; 54 Stat. 858), as amended, authorizing the President to order members and units of reserve components and retired personnel of the Regular Army into active military service, is further amended by striking out the word "forty" therefrom and substituting the word "ninety" therefor and by adding after the words "relieved from such active duty or service" the following: "or from hospitalization continuing after discharge for a period of not more than one year".

SEC. 3. Section 7 of Public Law 213 of the Seventy-seventh Congress (U. S. C., 1940 edition, Supp. III, title 50, App., sec. 357; 55 Stat. 627), the Service Extension Act of 1941, is hereby amended by inserting "as amended," after the words "Selective Training and Service Act of 1940".

Approved December 8, 1944.

